
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 30 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 March 4, 2018
- the 45-day period expires on February 17, 2018
- the 30-day period expires on February 2, 2018

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

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

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

Office of Children and Family Services

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Optional Expansion of Services Offered by Municipalities to Runaway and Homeless Youth

I.D. No. CFS-01-18-00003-EP

Filing No. 1119

Filing Date: 2017-12-14

Effective Date: 2018-01-01

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

Proposed Action: Amendment of Subparts 182-1, 182-2 and section 165-1.3 of Title 9 NYCRR.

Statutory authority: Executive Law, sections 420(2)(a), 532-b(1) and 532-d; Social Services Law, sections 20(3)(d) and 34(3)(f); L. 2017, ch. 56, part M

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

Specific reasons underlying the finding of necessity: Part M of Chapter 56 of the Laws of 2017 amended the Executive Law to offer municipalities the option of expanding services so that they may better meet the needs of runaway and homeless youth (RHY) and to require certain RHY residential services programs to be certified by OCFS. These changes to the Executive Law become effective January 1, 2018, at which time regulations implementing the changes must also be in place. The Office of

Children and Family Services (OCFS) is tasked with overseeing and monitoring RHY residential programs. The legislation requires OCFS to develop regulations and standards to address these new statutory changes.

The regulations provide notice, guidance and standards to all municipalities and RHY programs necessary to implement the new statutory provisions authorizing expanded services for RHY, which will help preserve the health, safety and welfare of such youth. The regulations also require that all RHY residential programs serving youth under 18 years of age must be certified by OCFS and meet the applicable minimum health and safety standards, thereby promoting the health, safety and welfare of such youth. Promulgating emergency regulations will facilitate compliance with legislative requirements and provide the necessary guidance to affected persons in order to preserve the health, safety and welfare of vulnerable runaway and homeless youth as soon as possible.

Subject: Optional expansion of services offered by municipalities to runaway and homeless youth.

Purpose: To implement changes made to Executive Law regarding optional expansion of services to runaway and homeless youth.

Substance of emergency/proposed rule (Full text is posted at the following State website: <http://ocfs.ny.gov/main/legal/Regulatory/pc/>): The proposed regulations implement Part M of Chapter 56 of the Laws of 2017, which amends section 420 and Article 19-H of the Executive Law to offer municipalities the option to expand services for runaway and homeless youth (RHY) and modifies the requirements for RHY programs. The law will become effective on January 1, 2018.

The proposed regulations make the necessary conforming changes to Subparts 165-1, 182-1 and 182-2 of the Title 9 New York Codes, Rules and Regulations (NYCRR). Subpart 165-1 governs state funding to municipalities for youth development programs and RHY programs; Subpart 182-1 sets forth the regulatory standards for short-term RHY programs such as RHY shelters, and Subpart 182-2 sets forth the regulatory standards for longer-term transitional independent living support programs (TILSP) that serve homeless youth.

The proposed regulations amend section 165-1.3 of Subpart 165-1 to require municipalities that seek RHY funding from the Office of Children and Family Services (OCFS) to include in their required RHY plans what, if any, of the new statutorily specified options they choose to implement. These options include extending how long RHY youth may stay in residential RHY programs under certain circumstances, raising the maximum permissible age of homeless youth who may be served by RHY programs from 21 to 24 years of age, and allowing homeless youth under 16 years of age to be served by a TILSP.

The proposed regulations also make necessary conforming changes to various sections of Subparts 182-1 and 182-2 of Title 9 NYCRR including: modifying the name and definition of approved runaway programs; adding the definition of homeless young adult; and eliminating the requirement that non-residential RHY programs be approved by OCFS. The proposed regulations also include the necessary conforming changes to require RHY programs to notify the applicable Local Department of Social Services (LDSS) if a youth is believed to be a destitute child; and to inform applicable youth of their right to re-enter foster care and refer them to the LDSS, upon request. The regulations also implement the new statutory provisions requiring that any RHY residential program, to include a TILSP, that serves youth under 18 years of age, or that is contained in a municipality's RHY plan must be certified by OCFS and, if certified on or after January 1, 2018, must be operated by an authorized agency. In addition, the proposed regulations make conforming changes to reflect the ability of RHY programs to provide those expanded services that a municipality has opted to include in its RHY plan.

Finally, the proposed regulations permit any residential RHY program that is not contained in any municipality's RHY plan to apply to OCFS for a variance related to the age of youth served or the length of time youth may stay in such program under the same circumstances applicable to municipalities.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire March 13, 2018.

Text of rule and any required statements and analyses may be obtained from: Leslie Robinson, Senior Attorney, New York State Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (518) 474-3333, email: regcomments@ocfs.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority: Part M of Chapter 56 of the Laws of 2017; Sections 420(2)(a), 532-b(1) and 532-d of the Executive Law; Sections 20(3)(d) and 34(3)(f) of the Social Services Law.

2. Legislative objectives: The intent of Part M of Chapter 56 of the Laws of 2017 was to better meet the needs of runaway and homeless youth (RHY) by offering municipalities the option to expand the services for such youth and by modifying the requirements for RHY programs. The proposed regulations enact the basic components of the enacted legislation as required.

3. Needs and benefits: The proposed regulations expand options available to municipalities and RHY programs to meet the service needs of RHY as identified by their communities. These additional options, which include expanding the maximum age homeless youth may receive RHY services from 21 to 24 years of age and extending the maximum allowable length of stay of RHY youth in residential programs under certain circumstances, allow municipalities to determine what is feasible and necessary at the local level while not requiring that additional services be created. The proposed regulations require that RHY programs notify the Local Department of Social Services (LDSS) if a youth is believed to be a destitute child, and to help interested and eligible youth re-enter foster care.

The proposed regulations implement the statutory provisions eliminating the requirement that non-residential services for RHY youth receive New York State Office of Children and Family Services (OCFS) approval to reduce the requirements on such programs. The proposed regulations also implement the new statutory requirement that any RHY program that intends to serve youth under 18 years of age or that is contained in a municipality's RHY plan must be certified by OCFS and, if certified on or after January 1, 2018, must be operated by an authorized agency to expand State oversight of such programs.

4. Costs: The proposed regulations implement State statutory provisions. Therefore, they will have no impact on local costs or costs to RHY programs.

5. Local government mandates: The proposed regulations offer additional service options for municipalities to consider. The determination of the municipality must be documented within existing municipal planning documents submitted to OCFS and through statutorily required written notice to OCFS under specified circumstances.

6. Paperwork: The proposed regulations offer additional service options for municipalities to consider. Any decision of a municipality to expand RHY services must be documented within existing municipal planning documents submitted to OCFS. Municipalities also will be required to provide statutorily required written notice to OCFS when youth remain in care for extended periods of time under certain circumstances. RHY programs will be required to provide RHY youth with information regarding voluntary re-entry into foster care, and will require that certain additional RHY programs serving homeless youth amend their purposes within their articles of incorporation.

7. Duplication: OCFS evaluated existing rules and legal requirements and determined that the proposed regulations do not duplicate, overlap, or conflict with existing rules. The proposed regulations incorporate new state statutory provisions into existing regulations. The proposed regulations have no additional impact on the expenses, tasks, or other duties of municipal governments or RHY programs.

8. Alternatives: The proposed regulations are required to comply with Part M of Chapter 56 of the Laws of 2017.

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

10. Compliance schedule: The regulations become effective on January 1, 2018.

Regulatory Flexibility Analysis

1. Effect of rule: The proposed regulations expand options available to municipalities and runaway and homeless youth (RHY) programs to meet the service needs of RHY as identified by their communities. These additional options, which include expanding the maximum age at which homeless youth may receive RHY services from 21 to 24 years of age and extending the maximum allowable length of stay of RHY youth in resi-

dential programs under certain circumstances, allow municipalities to determine what is feasible and necessary at the local level while not requiring that additional services be created. The proposed regulations require that RHY programs notify the Local Department of Social Services (LDSS) if a youth is believed to be a destitute child, and to help interested and eligible youth re-enter foster care. The proposed regulations implement the statutory provisions eliminating the requirement that non-residential services for RHY youth receive New York State Office of Children and Family Services (OCFS) approval to reduce the requirements on such programs. The proposed regulations also implement the new statutory requirement that any RHY program that intends to serve youth under 18 years of age or that is contained in a municipality's RHY plan must be certified by OCFS and, if certified on or after January 1, 2018, must be operated by an authorized agency to expand State oversight of such programs.

2. Compliance requirements: The proposed regulations offer additional service options for municipalities to consider. The determination of the municipality must be documented within existing municipal planning documents submitted to OCFS and through statutorily required written notice to OCFS under specified circumstances.

3. Professional services: The proposed regulations will not require new or additional professional services from small businesses or local government.

4. Compliance costs: The proposed regulations implement State statutory provisions. Therefore, they will have no impact on costs for small businesses, local governments or RHY programs.

5. Economic and technological feasibility: The proposed regulations will not impact the economic or technological feasibility of small businesses or local governments.

6. Minimizing adverse impact: The proposed regulations will not create adverse economic impacts for small businesses or local governments.

7. Small business and local government participation: The regulations are proposed in response to a legislative mandate, thus participation from small business was not sought. OCFS sought input from municipal RHY coordinators.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Municipalities and runaway and homeless youth (RHY) programs will be affected by the proposed regulations.

2. Reporting, recordkeeping and other compliance requirements; and professional services: The proposed regulations will offer additional service options for municipalities to consider. Any decision of a municipality to expand RHY services must be documented within existing municipal planning documents submitted to OCFS. Municipalities also will be required to provide statutorily required written notice to OCFS when youth remain in care for extended periods of time under certain circumstances. RHY programs will be required to provide RHY youth with certain State-developed information and will require certain additional RHY programs serving homeless youth to amend their corporate purposes.

3. Costs: The proposed regulations merely implement State statutory provisions. Therefore, they will have no impact on local costs or costs to RHY programs.

4. Minimizing adverse impact: The proposed regulations will not create adverse impacts and thus do not require mitigation.

5. Rural area participation: OCFS held meetings with RHY providers and coordinators from across the state prior to the drafting of these regulations. These meetings included rural stakeholders.

Job Impact Statement

1. Nature of impact: The proposed regulations expand options available to municipalities and runaway and homeless youth (RHY) programs to meet the service needs of RHY as identified by their communities. The proposed regulations require that RHY programs notify the Local Department of Social Services (LDSS) if a youth is believed to be a destitute child, and to help interested and eligible youth re-enter foster care. The proposed regulations implement the statutory provisions eliminating the requirement that non-residential services for RHY youth receive New York State Office of Children and Family Services (OCFS) approval to reduce the requirements on such programs. The proposed regulations also implement the new statutory requirement that any RHY program that intends to serve youth under 18 years of age or that is contained in a municipality's RHY plan must be certified by OCFS and, if certified on or after January 1, 2018, must be operated by an authorized agency to expand State oversight of such programs.

2. Categories and numbers affected: The proposed regulations will not impact jobs or employment opportunities.

3. Regions of adverse impact: The proposed regulations will not have a disproportionate adverse impact on jobs or employment opportunities regionally.

4. Minimizing adverse impact: The proposed regulations will not create adverse impacts and thus do not require mitigation.

State Commission of Correction

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Specialized Secure Juvenile Detention Facilities for Older Youth (SSDs)

I.D. No. CMC-01-18-00005-EP

Filing No. 1122

Filing Date: 2017-12-19

Effective Date: 2017-12-19

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

Proposed Action: Renumbering of Chapters III, IV, V of Subtitle AA, Part 7300 to Chapters IV, V, VI of Subtitle AA, Part 7210; amendment of sections 7013.2(1)(2), 7210.4(e); and addition of new Chapter III of Subtitle AA, Parts 7303, 7304 to Title 9 NYCRR.

Statutory authority: Correction Law, section 45(6), (10) and (15)

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

Specific reasons underlying the finding of necessity: On April 10, 2017, Governor Cuomo signed into law what is commonly known as “Raise the Age” legislation (Part WWW of Chapter 59 of the Laws of 2017), which generally serves to prohibit the detention of 16 and 17 year olds in adult jails and prisons, makes substantive changes to the procedures and mechanisms used to process 16 and 17 year old offenders in the criminal and youth justice systems, and allows for additional services for youth and alters the types of detention and/or placement they may receive.

Specifically, the legislation creates a new category of offender, known as an “adolescent offender,” defined as a person 16 years old (effective October 1, 2018) or 17 years old (effective October 1, 2019) at the time such person is alleged to have committed a felony offense. While an adolescent offender’s case is adjudicated in the Youth Part Court, he or she may be detained in the newly-created specialized secure juvenile detention facilities for older youth (SSDs). Per County Law § 218-a(6), not every county will be required to operate a SSD, but all must have one available for use when necessary. In New York City, each SSD shall be operated by the Administration for Children’s Services in conjunction with the Department of Corrections. All SSDs statewide are required to be certified and regulated by OCFS in conjunction with the Commission. Additionally, SSDs were included in the Correction Law § 40(2) definition of “local correctional facility,” necessitating that the Commission promulgate minimum standard regulations for such facilities pursuant to Correction Law § 45(6), and approve or reject plans and specifications for their construction or improvement pursuant to Correction Law § 45(10).

The legislation requires New York City to remove all 16 and 17 year old inmates from correctional facilities on Rikers Island and place them in SSDs by April 1, 2018 to the extent practicable, but in no event after October 1, 2018. For the remainder of the State, SSDs must be established, certified and operational before the legislation goes into effect for 16 year old adolescent offenders on October 1, 2018. As of the date of this Notice, the City of New York and numerous counties are already well underway in developing plans to establish such facilities by the statutory deadline. Consequently, the proposed rulemaking is immediately necessary to provide counties and the City of New York the means by which to obtain Commission approval for facility construction and renovation, as well as to apply for Commission certification.

For the aforementioned reasons, SCOC finds that the immediate adoption of the rule is necessary for the preservation of the public health, safety and general welfare, and that compliance with the rule making procedures set forth in State Administrative Procedure Act section 202(1) would be contrary to the public interest. By immediately adopting these regulations, SCOC will be able to receive and approve plans for facility construction and renovation, as well as allow for agencies to apply for certification. Given the upcoming statutory deadline for the establishment for such facilities, the emergency adoption is needed to allow counties and the City of New York to continue in their progress without delay. Thus, SCOC finds that the regulation must be adopted and implemented immediately

on an emergency basis, and compliance with the minimum periods of notice, public comment and other requirements of State Administrative Procedure Act section 202(1) would be contrary to the public interest.

Subject: Specialized secure juvenile detention facilities for older youth (SSDs).

Purpose: Provide counties the regulatory framework for the construction, renovation and certification of SSDs.

Text of emergency/proposed rule: Chapter V of Subtitle AA of Title 9 is renumbered Chapter VI of Subtitle AA of Title 9.

Chapter IV of Subtitle AA of Title 9 is renumbered Chapter V of Subtitle AA of Title 9.

Chapter III of Subtitle AA of Title 9 is renumbered Chapter IV of Subtitle AA of Title 9.

Part 7300 of Title 9 is renumbered Part 7210 of Title 9.

Section 7300.1 of Title 9 is renumbered section 7210.1 of Title 9.

Section 7300.2 of Title 9 is renumbered section 7210.2 of Title 9.

Section 7300.3 of Title 9 is renumbered section 7210.3 of Title 9.

Section 7300.4 of Title 9 is renumbered section 7210.4 of Title 9.

Section 7300.5 of Title 9 is renumbered section 7210.5 of Title 9.

Section 7300.6 of Title 9 is renumbered section 7210.6 of Title 9.

Section 7300.7 of Title 9 is renumbered section 7210.7 of Title 9.

Section 7300.8 of Title 9 is renumbered section 7210.8 of Title 9.

Section 7300.9 of Title 9 is renumbered section 7210.9 of Title 9.

Section 7300.10 of Title 9 is renumbered section 7210.10 of Title 9.

Paragraph (2) of subdivision (1) of section 7013.2 of Title 9 is amended to read as follows:

(2) made a reasonable attempt to find and utilize substitute jail housing pursuant to Part [7300] 7210 of [this Chapter] Title 9 and section 504 of the Correction Law.

Subdivision (e) of section 7210.4 of Title 9 is amended to read as follows:

(e) consistent with the provisions of section [7300.6(e)] 7210.6(e) of this Part, in returning such inmates from a correctional institution under the jurisdiction of the New York State Department of Corrections and Community Supervision to a county jail or penitentiary.

A new Chapter III of Subtitle AA of Title 9 is added to read as follows:

CHAPTER III

Minimum Standards and Regulations for Management of Specialized Secure Juvenile Detention Facilities for Older Youth

A new Part 7303 of Title 9 is added to read as follows:

Part 7303

Construction and Renovation

7303.1 Definitions.

As used in this Part, the following definitions shall apply to the terms listed below:

(a) Facility shall mean a specialized secure juvenile detention facilities for older youth.

(b) Construction or renovation shall mean:

(1) all acquisition or designation of a physical plant not originally operated as a facility;

(2) all new facility construction; or

(3) all renovations, additions, or substantial alterations to an existing facility setting which involves physical structure, security, or major fixed equipment changes, other than replacement.

7303.2 Construction and renovation.

(a) All plans and specifications for the construction or renovation of a facility shall be submitted to the State Commission of Correction (the Commission) and the Office of Children and Family Services (OCFS) for review and approval.

(b) Such approval by the Commission and OCFS shall be obtained before a construction or renovation project is advertised for bids. If a bidding procedure will not be followed, Commission and OCFS approval must be obtained before any construction or renovation begins.

A new Part 7304 of Title 9 is added to read as follows:

Part 7304

Certification

7304.1 Definitions.

As used in this Part, the following definitions shall apply to the terms listed below:

(a) Facility shall mean a specialized secure juvenile detention facilities for older youth.

(b) Commission shall mean the New York State Commission of Correction.

7304.2 Certification required.

No facility, subject to regulation, inspection and evaluation by the Commission, shall be operated unless it shall possess valid operating certificates issued by the Office of Children and Family Services (OCFS), and the Commission pursuant to this Part.

7304.3 Application for certification.

Any application for an operating certificate pursuant to this Part shall be made upon forms prescribed by the Commission, which shall contain:

- (a) the name of the facility and its location;
- (b) the name and address of the authorized agency, corporation, association, organization, proprietary operator or public agency, who or which operates such facility;
- (c) any plan to collocate a facility with a juvenile secure detention facility;
- (d) the counties to be serviced by the facility;
- (e) a physical description of the facility, including land, buildings and equipment;
- (f) proposed resident capacity;
- (g) a plan and description of staff positions, including duties and qualifications;
- (h) if applicant is a corporation, the names, addresses and occupations of the members of the board of directors;
- (i) the ownership or control of the land and premises, if other than the operator; and
- (k) such other information as may be required.

7304.4 Approval, revocation and renewal of certification.

(a) An application shall be approved, and an operating certificate shall be issued, only when the Commission finds that the facility meets, and will be operated in accordance with, the requirements of this Chapter.

(b) Certification shall be granted in writing for a period of not more than two years, and may be revoked at any time by the Commission if it finds the facility to be unsafe, unsanitary, or in violation of the regulations contained in this Chapter.

(c) At least ninety (90) days prior to the expiration of an operating certificate, the facility shall refile an application for the renewed issuance of such operating certificate. Any determination by the Commission to renew an operating certificate shall be made in accordance with subdivision (a) of this section.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire March 18, 2018.

Text of rule and any required statements and analyses may be obtained from: Deborah Slack-Bean, Senior Attorney, New York State Commission of Correction, Alfred E. Smith State Office Building, 80 S. Swan Street, 12th Floor, Albany, New York 12210, (518) 485-2346, email: Deborah.Slack-Bean@scoc.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:

Subdivision (6) of section 45 of the Correction Law authorizes the Commission to promulgate rules and regulations establishing minimum standards for the care, custody, correction, treatment, supervision, discipline, and other correctional programs for all person confined in the correctional facilities of New York State. Correction Law section 45(10) requires the Commission to approve or reject plans and specifications for the construction or improvement of correctional facilities. Subdivision (15) of section 45 of the Correction Law allows the Commission to adopt, amend or rescind such rules and regulations as may be necessary or convenient to the performance of its functions, powers and duties. County Law section 218-a(6) requires specialized secure detention facilities for older youth to be regulated and certified by the Office of Children and Family Services (OCFS) in conjunction with the Commission.

2.) Legislative objectives:

By including specialized secure detention facilities for older youth within the Correction Law section 40(2) definition of "local correctional facility," the Legislature intended the Commission to promulgate regulations for the construction, renovation and certification of such facilities.

3.) Needs and benefits:

On April 10, 2017, Governor Cuomo signed into law what is commonly known as "Raise the Age" legislation (Part W of Chapter 59 of the Laws of 2017), which generally serves to prohibit the detention of 16 and 17 year olds in adult jails and prisons, makes substantive changes to the procedures and mechanisms used to process 16 and 17 year old offenders in the criminal and youth justice systems, and allows for additional services for youth and alters the types of detention and/or placement they may receive.

Specifically, the legislation creates a new category of offender, known as an "adolescent offender," defined as a person 16 years old (effective October 1, 2018) or 17 years old (effective October 1, 2019) at the time such person is alleged to have committed a felony offense. While an adolescent offender's case is adjudicated in the Youth Part Court, he or she may be detained in the newly-created specialized secure juvenile detention facilities for older youth (SSDs). Per County Law § 218-a(6), not

every county will be required to operate a SSD, but all must have one available for use when necessary. In New York City, each SSD shall be operated by the Administration for Children's Services in conjunction with the Department of Corrections. All SSDs statewide are required to be certified and regulated by OCFS in conjunction with the Commission. Additionally, SSDs were included in the Correction Law § 40(2) definition of "local correctional facility," necessitating that the Commission promulgate minimum standard regulations for such facilities pursuant to Correction Law § 45(6), and approve or reject plans and specifications for their construction or improvement pursuant to Correction Law § 45(10).

The legislation requires New York City to remove all 16 and 17 year old inmates from correctional facilities on Rikers Island and place them in SSDs by April 1, 2018 to the extent practicable, but in no event after October 1, 2018. For the remainder of the State, SSDs must be established, certified and operational before the legislation goes into effect for 16 year old adolescent offenders on October 1, 2018. Consequently, the proposed rulemaking is necessary to provide counties and the City of New York the direction by which to obtain Commission approval for facility construction and renovation, as well as to apply for Commission certification.

4.) Costs:

a. Costs to regulated parties for the implementation of and continuing compliance with the rule: Minimal. As set forth above, Commission approval of all SSD facility construction and renovation, as well as Commission certification of any operational SSD, was required by the recent legislation. Otherwise, compliance with the proposed rule would result only in minimal costs associated with providing the Commission a copy of all construction and renovation plans for review, as well as administrative costs associated with preparing applications for certification.

b. Costs to the agency, the state and local governments for the implementation and continuation of the rule: None. The regulation does not apply to state agencies or governmental bodies. As set forth above in subdivision (a), any additional costs to local governments would be minimal.

c. This statement detailing the projected costs of the rule is based upon the Commission's oversight and experience relative to the operation and function of a local correctional facility.

5.) Local government mandates:

The regulation provides the framework by which counties and the City of New York can comply with the requirements of Correction Law and County Law that require Commission approval of all SSD facility construction and renovation, as well as Commission certification of any operational SSD.

6.) Paperwork:

As set forth above, counties and the City of New York would be required to provide the Commission a copy of all construction and renovation plans for review, as well as prepare applications for certification.

7.) Duplication:

The rule does not duplicate any existing State or Federal requirement.

8.) Alternatives:

Given the statutory requirements that the Commission approve of all SSD facility construction and renovation, as well as certify any operational SSD, the Commission did not see any alternative to promulgating regulations providing counties and the City of New York a procedure for compliance.

9.) Federal standards:

There are no applicable minimum standards of the federal government.

10.) Compliance schedule:

Each local jurisdiction is expected to be able to achieve compliance with the proposed rule immediately.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not required pursuant to subdivision three of section 202-b of the State Administrative Procedure Act because the rule does not impose an adverse economic impact on small businesses or local governments. The proposed rule seeks only to establish the regulatory framework by which counties and the City of New York may solicit the Commission of Correction's approval for the construction, renovation and certification of specialized secure juvenile detention facilities for older youth, as required by recent "Raise the Age" legislation. Consequently, it will not have an adverse impact on small businesses or local governments, nor impose any additional significant reporting, record keeping, or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not required pursuant to subdivision four of section 202-bb of the State Administrative Procedure Act because the rule does not impose an adverse impact on rural areas. The proposed rule seeks only to establish the regulatory framework by which counties and the City of New York may solicit the Commission of Correction's approval for the construction, renovation and certification of specialized secure juvenile detention facilities for older youth, as required by recent

"Raise the Age" legislation. Consequently, it will not impose an adverse economic impact on rural areas, nor impose any additional significant record keeping, reporting, or other compliance requirements on private or public entities in rural areas.

Job Impact Statement

A job impact statement is not required pursuant to subdivision two of section 201-a of the State Administrative Procedure Act because the rule will not have a substantial adverse impact on jobs and employment opportunities, as apparent from its nature and purpose. The proposed rule seeks only to establish the regulatory framework by which counties and the City of New York may solicit the Commission of Correction's approval for the construction, renovation and certification of specialized secure juvenile detention facilities for older youth, as required by recent "Raise the Age" legislation. As such, there will be no impact on jobs and employment opportunities.

Delaware River Basin Commission

INFORMATION NOTICE

Notice of Proposed Rulemaking and Public Hearing Proposed Amendments to the Administrative Manual and Special Regulations Regarding Natural Gas Development Activities; Additional Clarifying Amendments

Summary: The Commission will hold public hearings and accept written comment on a proposal to amend its Special Regulations by the addition of a section on hydraulic fracturing in shale and other rock formations, including: the prohibition of high volume hydraulic fracturing in such formations; provisions related to water use for hydraulic fracturing; and provisions related to the management of produced water from hydraulic fracturing. The Commission also proposes to amend its Administrative Manual – Rules of Practice and Procedure by the addition of project review classifications and fees related to the management of produced water from hydraulic fracturing of hydrocarbon bearing rock formations. Minor amendments to the project review classifications unrelated to hydraulic fracturing are also proposed.

DATES:

Written comments: Written comments will be accepted through 5 p.m. on February 28, 2018.

Public hearings:

1. January 23, 2018, 1 p.m. to 4:30 p.m., Waymart, Wayne County, PA
2. January 23, 2018, 6 p.m. to as late as 9:30 p.m., Waymart, Wayne County, PA
3. January 25, 2018, 1 p.m. to 4:30 p.m., Philadelphia, PA
4. January 25, 2018, 6 p.m. to as late as 9:30 p.m., Philadelphia, PA

On November 30, 2017, a notice including these public hearing dates, times and locations was posted on the DRBC website and circulated directly to DRBC notice subscribers interested in this subject matter. Members of the public may sign up through the Commission's website to receive direct notice via email of additional comment opportunities or changes to the information provided above.

ADDRESSES:

Written comments will be accepted through the Commission's on-line public comment collection system at: <http://dockets.drbc.commentinput.com>. Requests to submit comments by another method will be granted based on lack of access to the web-based comment system. Requests may be addressed to: Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628.

The hearing locations are:

1. Ladore Camp, Retreat and Conference Center, 287 Owego Turnpike, Waymart, PA 18472
2. Ladore Camp, Retreat and Conference Center, 287 Owego Turnpike, Waymart, PA 18472
3. DoubleTree by Hilton Hotel Philadelphia Airport, 4509 Island Avenue, Philadelphia, PA 19153
4. DoubleTree by Hilton Hotel Philadelphia Airport, 4509 Island Avenue, Philadelphia, PA 19153

Additional opportunities for comment or changes to the public input process will be published on the Commission's website, drbc.net and through its Twitter account. To receive direct notice of such additions or changes, please subscribe through the Commission's website at: <http://www.nj.gov/drbc/contact/interest/>.

Public hearing registration procedures are set forth below.

Registration to Attend and Speak at a Public Hearing

To reduce uncertainty on the part of attendees about whether they will have a seat and an opportunity to speak at a public hearing, and to provide for a safe and orderly hearing process, the Commission is requiring registration on-line or on-site to attend each public hearing and is encouraging use of the on-line registration system. The web-based registration system will track and publish in real time the available capacity for each hearing. Advance registrants will be eligible to request speaking time and will be informed in advance if they have a reserved speaking slot. Those who register on site may sign up to speak if time allows or may be added to a waiting list. Key elements of the procedure are as follows:

- On-line or on-site registration is required to attend each public hearing.
- On-line registration will remain open until the beginning of each hearing.
- On-site registration will be available at the hearing venues.
- Available capacity for each hearing will be posted on the web-based registration system. When users access the system, they will see the number of seats still available or if the venue is at capacity.
- If capacity has been reached for a specific hearing, registrants will be placed on a waiting list.
- Those who do not register in advance are advised to check the availability of seats BEFORE planning travel to a hearing.
- Those who pre-register on-line will be eligible to reserve an opportunity to speak at a hearing.
- Prior to the hearing dates, the DRBC will contact all those who have pre-registered and provide them with an opportunity to request speaking time.
- If more people request to speak than time allows, those not assigned time will be placed on a waiting list.

Written and oral comment will receive equal consideration. See the "Public Process" subsection of SUPPLEMENTARY INFORMATION for additional details concerning the public hearings and submission of written comments.

SUPPLEMENTARY INFORMATION:

The Delaware River Basin Commission (DRBC or "Commission") is a regional interstate and federal agency formed by concurrent compact legislation of the four basin states and the federal government in 1961 to manage the water resources of the Delaware River Basin without regard to political boundaries. Its members are, ex officio, the governors of the basin states (Delaware, New Jersey, New York, and Pennsylvania) and the commander of the U.S. Army Corps of Engineers North Atlantic Division, who represents the federal government. Most actions of the Commission, including the adoption of rules to effectuate, apply and enforce the compact, require a majority vote of the Commission's five members. The Commission is not subject to the requirements of the New York State Administrative Procedure Act.

Background

On September 13, 2017, the Commissioners by a Resolution for the Minutes directed the Executive Director to prepare and publish for public comment a revised set of draft regulations, to include: "(a) prohibitions relating to the production of natural gas utilizing horizontal drilling and hydraulic fracturing within the basin; (b) provisions for ensuring the safe and protective storage, treatment, disposal and/or discharge of wastewater within the basin associated with horizontal drilling and hydraulic fracturing for the production of natural gas where permitted; and (c) regulation of the inter-basin transfer of water and wastewater for purposes of natural gas development where permitted."

In accordance with the Commissioners' September 13 directive, the Commission is proposing amendments to its regulations and comprehensive plan to better provide for the planning, conservation, utilization, development, management and control of the basin's water resources in connection with the hydraulic fracturing of shale and other hydrocarbon bearing formations to produce oil and gas. The Commission proposes to prohibit high volume hydraulic fracturing within the basin to effectuate the comprehensive plan for the immediate and long term development and use of the water resources of the basin, and to conserve, preserve and protect the quality and quantity of the basin's water resources for uses in accordance with the comprehensive plan.

Through a series of policies and regulations establishing and amending its comprehensive plan, the Commission over the past half-century has established in-stream water quality standards throughout the basin, prohibited degradation of groundwater, and provided special protection to the non-tidal segment of the Delaware River to preserve its exceptionally high water quality and water supply values. As the agency through which the five signatory parties to the Compact collectively manage the basin's

water resources on a regional basis, the Commission has taken these steps to meet public and private needs for, among other things, drinking water, recreation, power generation, and industrial activity, and to accommodate large out-of-basin diversions by the City of New York and the State of New Jersey that are authorized by the 1954 decree of the U.S. Supreme Court in the matter of *New Jersey v. New York*.¹

Portions of Pennsylvania and New York comprising about 40 percent of the basin's geographic area are underlain by the Marcellus and Utica shales, geologic strata known to contain natural gas. Although the presence of commercially viable natural gas from these formations within the basin is not known, in regions of Pennsylvania west of the basin divide, oil and natural gas are extracted from the Marcellus and Utica formations by means of directional drilling and hydraulic fracturing using large volumes of water in a process referred to commonly in the region as "high volume hydraulic fracturing" (HVHF).² The South Newark basin formation, which underlies portions of Pennsylvania and New Jersey, may also contain oil and gas deposits capable of development by HVHF. All of the basin areas underlain by the Marcellus and Utica shales, with the exception of a small area of Schuylkill County, Pennsylvania, drain to waters the Commission has designated as "Special Protection Waters", due to their exceptionally high scenic, recreational, ecological, and/or water supply values. The Commission's water quality management policy objective for Special Protection Waters is "that there be no measurable change [in the quality of these waters] except toward natural conditions."³

During hydraulic fracturing, hydraulic fracturing fluid consisting primarily of water and recycled wastewater mixed with chemicals is injected through a well bore into the target rock formation under pressures great enough to fracture the rock. The fracturing fluid typically includes proppants (usually sand), which hold open the newly created fractures, allowing the gas to flow back through them and up the well to the surface. After a well is "stimulated" through hydraulic fracturing, much of the injected fracturing fluid, together with brines that were trapped within the target formation, is conveyed to the surface, where these fluids are collected and managed. The returned fluids, known as "flowback" and "produced water," contain chemicals used in the fracturing mixture, as well as salts, metals, radionuclides, and hydrocarbons from the target rock formation. As discussed in greater detail below, in the Marcellus region in Pennsylvania, the median quantity of water required to stimulate a natural gas well exceeds 4 million gallons for each fracturing event.⁴ A single well may be fractured in multiple stages and/or multiple times,⁵ and as many as twelve wells may be installed on a single well pad.⁶ The volume of water and wastewater involved is thus significant.

The use of HVHF to extract oil and natural gas from tight shale formations presents risks, vulnerabilities and impacts to the quality and quantity of surface and ground water resources that have been documented extensively, including in comprehensive reports by the New York State Department of Environmental Conservation (NYSDEC)⁷ and the United States Environmental Protection Agency (EPA)⁸, among others. These reports identify the risks to water resources associated with each of the steps in the "hydraulic fracturing water cycle,"⁹ as summarized below. At times, these steps or portions thereof may be identified by the Commission as separate projects. In addition, an EPA technical background document describes industry processes, pollutants generated, risks, and available treatment technologies for produced water from oil and gas extraction.¹⁰ A significant number of data points in this document are provided for the Marcellus formation.

Water acquisition. The acquisition of water for use in HVHF may result in modifications to groundwater levels, surface water levels, and stream flows. The Susquehanna River Basin Commission (SRBC) has reported that for the period 2008 through 2013 an average of 4.3 million gallons of water were injected per fracturing event in natural gas wells within the Susquehanna basin.¹¹ During the same period, 84 percent of injected water was "fresh" water from surface water and groundwater sources, and the remaining 16 percent was recycled produced water or flowback water.¹² According to EPA, the median volume of water used per well fracturing event in Pennsylvania between January 2011 and February 2013 was 4.18 million gallons.¹³ EPA further reports that in at least 10 percent of cases, the water use in Pennsylvania during the same period was over 6.6 million gallons per well.¹⁴ EPA has reported that in the Marcellus formation in Pennsylvania, 82 to 90 percent of the base fluid used for hydraulic fracturing is fresh water that is naturally occurring and that the remaining base fluids (10 to 18 percent) are reused and recycled produced water.¹⁵ Advances in horizontal drilling technology are leading to longer drill paths and the need for more fracturing fluid volumes for each path. According to SRBC, when the industry began lengthening its lateral well bores in 2013, the average amount of water used per fracturing event increased to approximately 5.1 to 6.5 million gallons per fracturing event.¹⁶

Withdrawals from surface and ground water in the amounts required for HVHF may adversely affect aquatic ecosystems and river channel and riparian resources downstream, including wetlands, and may diminish the quantity of water stored in an aquifer or a stream's capacity to assimilate pollutants. Because HVHF operations may significantly increase the volume of water withdrawn in a localized area, they may ultimately upset the balance between the demand on water resources and the availability of those resources for uses protected by the Commission's comprehensive plan, particularly during periods of low precipitation or drought.

Consumptive use. In contrast with most domestic and commercial water use, most water used for HVHF is used "consumptively," meaning it is not returned to the basin's usable ground or surface waters. According to the EPA, water accounts for 90 to 97 percent of all hydraulic fracturing fluids injected into a well for the purpose of extracting natural gas.¹⁷ EPA reports further that produced water, or water that flows from and through oil and gas wells to the surface as a by-product of oil and gas production over a ten-year operations period, makes up only 10 to 30 percent of the fluid injected. Accordingly, EPA estimates that 70 to 90 percent of the water used in high volume hydraulic fracturing is permanently removed from the water cycle.¹⁸ The SRBC's estimate is higher. SRBC reports that approximately 96 percent of water withdrawn by the natural gas industry is consumptively used in the hydraulic fracturing process and that the balance of the water is consumptively used for other activities at the drilling pads, such as well drilling, preparation of drilling muds and grout, dust control, maintenance operations, and site reclamation.¹⁹ In contrast, the DRBC estimates that 90 percent of water withdrawn for domestic and commercial uses in the Delaware River Basin is returned to basin waters, either by infiltration into aquifers or by discharge to surface waters after treatment at a wastewater treatment facility.²⁰

Chemical use. Although chemical additives generally make up the smallest proportion of the overall composition of hydraulic fracturing fluids, they pose a comparatively high risk to ground and surface water quality relative to proppants and base fluids.²¹ Additives, which can be a single chemical or a mixture of chemicals, are combined with the base fluid to change its properties, including, for example, to adjust pH, increase fluid thickness, reduce friction, or limit bacterial growth. The EPA has identified 1,084 chemicals reported to have been added to hydraulic fracturing fluids between 2005 and 2013.²² The choice of which additives to use depends on the characteristics of the targeted rock formation, and in some cases chemical information is considered Confidential Business Information and not disclosed by the fracturing operator.²³ Based upon EPA's analysis, the combination of activities and factors more likely than others to result in more frequent or more severe impacts to water resources are spills during the management of hydraulic fracturing fluids and chemicals that result in large volumes or high concentrations of chemicals reaching groundwater resources.²⁴ In May 2015, an EPA study compiled data on and characterized 457 hydraulic fracturing related spills that occurred between January 2006 and April 2012 in eleven states.²⁵ The study attributed these to equipment failure, human error, failure of container integrity, and other causes, including but not limited to well communication, weather and vandalism.²⁶ Storage, equipment, well or wellhead, hose or line, and "unknown" were among the identified sources.²⁷ Spills can affect both surface and groundwater resources, both locally and regionally, within the host state and in adjoining states. Pollution from spills and from hydraulic fracturing has occurred in parts of Pennsylvania outside the basin where high volume hydraulic fracturing is occurring.²⁸

Well drilling and construction. Well drilling, well construction and well stimulation associated with HVHF also carry risks for groundwater and surface water resources. These risks include turbidity or other disruptions in local ground water formations and local groundwater wells, and contamination of aquifers by fluids pumped into or flowing from rock formations penetrated by the drilling of the well, particularly in the event of a compromised well casing. Typically, the developable shale formations are vertically separated from potential freshwater aquifers by thousands of feet of sandstones and shales of moderate to low permeability. High-volume hydraulic fracturing is engineered to target the prospective hydrocarbon-producing zone. Although the induced fractures create a pathway to the intended wellbore, they typically do not create a discharge mechanism or pathway beyond the fractured zone where none existed before. However, because the well bore penetrates groundwater aquifers and can be a pathway for fluid movement to existing drinking water and other groundwater resources, the mechanical integrity of the well is an important factor that affects the frequency and severity of potential water resource impacts from pollutants. A well with insufficient mechanical integrity can increase the risk of impacts and allow unintended fluid movement, including into drinking water aquifers. Such defects can arise from inadequate well design or construction or can develop over the well's lifetime, including during hydraulic fracturing.²⁹

In particular, casing and cement can degrade over the life of the well because of exposure to corrosive chemicals, formation stresses, and operational stresses (e.g., pressure and temperature changes during hydraulic fracturing).³⁰ Gas migration can also potentially occur as a result of poor well construction (i.e., casing and cement problems), or through existing abandoned wells or faults, which may be intersected inadvertently by a new oil or natural gas well. The EPA examined these types of pathways for the migration of hydraulic fracturing fluids and liquids and/or gases that exist in the subsurface to affect the quality of subsurface drinking water resources and reported on failures and impacts to water resources in detail.³¹

Wastewater handling and disposal. “Produced water” (including “flowback” water) refers to any water or fluid returned to the surface through the production well as a waste product of hydraulic fracturing. This material may be stored in tanks or other containers on the pad site before it is transferred for off-site treatment and/or disposal. The composition of produced water depends on the composition of the injected hydraulic fracturing fluid and the composition of the target formation. In the Marcellus region, produced water is generated in large quantities and often contains high concentrations of total dissolved solids (TDS or “salts”) and constituents that may be harmful to human health and the environment. Produced water from HVHF in the Marcellus formation has been found to contain:³²

- Salts, including chloride, bromide, sulfate, sodium, magnesium, and calcium;
- Metals, including barium, manganese, iron, and strontium;
- Naturally-occurring organic compounds, including benzene, toluene, ethylbenzene, xylenes(BTEX), and oil and grease;
- Radioactive materials, including radium; and
- Hydraulic fracturing chemicals and their chemical transformation products.

The disposal of produced water poses a significant risk to the water resources of the basin if the wastewater is not properly managed. The concentration of TDS in produced water can be high enough that if discharged untreated to surface water, the potential exists to adversely affect designated uses of surface water, including drinking water, aquatic life support, livestock watering, irrigation, and industrial use. Because produced water contains high TDS and dissolved inorganic constituents that most publicly owned treatment works and other municipal wastewater treatment facilities are not designed to remove, these constituents can be discharged untreated from such facilities; can disrupt treatment processes, for example by inhibiting biological treatment; can accumulate in biosolids (sewage sludge), limiting their beneficial use; and can facilitate the formation of harmful disinfection byproducts.³³ Where produced water has been discharged to domestic wastewater treatment facilities in the past, elevated concentrations of chloride and bromide have been documented in the receiving waters.³⁴ The discharge of bromide upstream of drinking water intakes has led in documented instances to the formation of carcinogenic disinfection by-products at drinking water utilities.³⁵

The EPA since 1979 has required zero discharge of pollutants to waters of the United States from onshore oil and gas extraction wastewater. In 2016 EPA finalized a rule establishing pretreatment standards for discharges of wastewater from onshore unconventional oil and gas extraction facilities to municipal sewage treatment plants (also known as “publicly owned treatment works” or POTWs).³⁶ The recent EPA rule will protect POTWs from disruptions in their operations that can be caused by these wastewaters. However, the rule does not extend to commercially owned treatment works that primarily treat domestic and commercial wastewater, and it does not address the discharge to POTWs of produced water that has been partially treated at centralized waste treatment facilities. Thus, significant risks associated with the treatment and discharge of produced water remain outside the scope of current federal regulations.

Siting and Landscapes. Certain water resources in the basin have high water resource value because of their excellent water quality or their exceptional ability to perform water supply, ecological, recreational or other water-related functions. The Commission has classified certain of these waters as Special Protection Waters through provisions of its Water Code incorporated in the comprehensive plan.³⁷ The Water Code seeks to maintain or improve the condition of these water resources through regulatory requirements such as prevention of measurable change to existing water quality, evaluation of natural wastewater treatment system alternatives, conditions or limitations on wastewater treatment facilities and control of non-point sources.³⁸

Many high value water resources are associated with and dependent on their surrounding landscapes. Special Protection Waters are located in the upper portion of the basin where forested headwater areas and riparian buffers slow the rate and volume of stormwater runoff, replenish

groundwater that serves as a source of drinking water and sustains stream flow, and control the introduction of pollutants into streams. These landscape features are particularly effective at controlling non-point source pollution that may occur following precipitation events.

High volume hydraulic fracturing and the related alteration of landscapes required to support that activity pose risk to high value water resources. It is expected that practically all of the development and related disturbances from high volume hydraulic fracturing would occur in the drainage area of Special Protection Waters.³⁹ Approximately 70 percent of the basin area underlain by the Marcellus and Utica shales (largely in the drainage area of Special Protection Waters) is forested. The average total disturbance associated with a single well pad, including associated access roads and utility corridors, is estimated at 7.7 acres.⁴⁰ Off-site facilities such as gathering lines involve additional disturbances. These landscape changes will reduce forested areas and potentially vegetated buffers, increase non-point source pollution, diminish groundwater infiltration, and risk adversely affecting water quality and quantity in surface and groundwater. Because high volume hydraulic fracturing would most likely occur in headwater areas in the drainage area to Special Protection Waters, the risks of degrading water resources and impairing the effectuation of the comprehensive plan are of particular concern.

Uncertainty. The comprehensive EPA and New York DEC studies cited above report multiple instances of damage to water resources associated with all stages of the natural gas development process, and importantly, both sources emphasize the degree of uncertainty regarding potential future effects. The EPA report states:

“Cases of impacts were identified for all stages of the hydraulic fracturing water cycle. Identified impacts generally occurred near hydraulically fractured oil and gas production wells and ranged in severity, from temporary changes in water quality to contamination that made private drinking water wells unusable... However, significant data gaps and uncertainties in the available data prevented us from calculating or estimating the national frequency of impacts on drinking water resources from activities in the hydraulic fracturing water cycle. The data gaps and uncertainties described in this report also precluded a full characterization of the severity of impacts.”⁴¹

The New York State DEC study asserts:

“...a broad range of experts from academia, industry, environmental organizations, municipalities, and the medical and public health professions commented and/or provided their analyses of high-volume hydraulic fracturing. The comments referenced an increasing number of ongoing scientific studies across a wide range of professional disciplines. These studies and expert comments evidence that significant uncertainty remains regarding the level of risk to public health and the environment that would result from permitting high-volume hydraulic fracturing in New York, and regarding the degree of effectiveness of proposed mitigation measures. In fact, the uncertainty regarding the potential significant adverse environmental and public health impacts has been growing over time.

....

“Potential significant adverse impacts on water resources exist with regard to potential degradation of drinking water supplies; impacts to surface and underground water resources due to large water withdrawals for high-volume hydraulic fracturing; cumulative impacts; stormwater runoff; surface spills, leaks and pit or surface impoundment failures; groundwater impacts associated with well drilling and construction and seismic activity; [and] waste disposal....”⁴²

Additional detail regarding damages to water resources and the risks, vulnerabilities and impacts to surface and ground water resources associated with HVHF can be found in the cited reports.

Related Statutory and Regulatory Provisions

The proposed rules regarding hydraulic fracturing arise from the following provisions, among others, of the Commission’s organic statute, the Delaware River Basin Compact (“Compact”),⁴³ and determinations that have been codified in the Delaware River Basin Water Code and incorporated into the Commission’s comprehensive plan:

- “The signatory parties [to the Compact] recognize the water and related resources of the Delaware River Basin as regional assets vested with local, state, and national interests, for which they have a joint responsibility.”⁴⁴

- Approximately 15 million people “... of the United States ... [rely on water] from the Delaware River Basin ... and the ... economic development of the entire region and the health, safety, and general welfare of its population are and will continue to be vitally affected by the use, conservation, management, and control of the water and related resources of the Delaware River Basin.”⁴⁵

- “The commission may assume jurisdiction to control future pollution

and abate existing pollution in the waters of the basin, whenever it determines after investigation and public hearing upon due notice that the effectuation of the comprehensive plan so requires.⁵⁴⁶

- “The waters of the Delaware River Basin are limited in quantity and the basin is frequently subject to drought warnings and drought declarations due to limited water supply storage and streamflow during dry periods. Therefore, it shall be the policy of the Commission to discourage the exportation of water from the Delaware River Basin.”⁵⁴⁷

- “[T]he basin waters have limited assimilative capacity and limited capacity to accept conservative substances without significant impacts. Accordingly, it also shall be the policy of the Commission to discourage the importation of wastewater into the Delaware River Basin that would significantly reduce the assimilative capacity of the receiving stream on the basis that the ability of Delaware River Basin streams to accept wastewater discharges should be reserved for users within the basin.”⁵⁴⁸

- “It is the policy of the Commission that there be no measurable change in existing water quality except towards natural conditions in waters considered by the Commission to have exceptionally high scenic, recreational, ecological, and/or water supply values. Waters with exceptional values may be classified by the Commission as either Outstanding basin Waters or Significant Resource Waters.”⁵⁴⁹

- “It is the policy of the Commission to give no credit toward meeting wastewater treatment requirements for wastewater imported into the Delaware basin.”⁵⁵⁰

- “The underground water resources of the basin shall be used, conserved, developed, managed, and controlled in view of the need of present and future generations, and in view of the resources available to them. To that end, interference, impairment, penetration, or artificial recharge shall be subject to review and evaluation under the Compact.”⁵⁵¹

- “No substances or properties which are in harmful or toxic concentrations or that produce color, taste, or odor of the water shall be permitted or induced by the activities of man to become ground water.”⁵⁵²

- “[T]he Commission may establish requirements, conditions, or prohibitions which, in its judgment, are necessary to protect ground water quality.”⁵⁵³

- “The Commission has determined that allocations of the waste assimilative capacity of the Delaware River Estuary are necessary to maintain stream quality objectives in Zones 2, 3, 4 and 5 for the following pollutants: (a) acute toxicity; and (b) chronic toxicity.”⁵⁵⁴

- “The Commission [has determined] that allocations of the waste assimilative capacity of the Delaware River Estuary are necessary to maintain stream quality objectives in Zones 2 and 3 for the following pollutants: (a) 1, 2 dichloroethane; (b) tetrachloroethene.”⁵⁵⁵

Summary of Proposed Rules

Prohibition. Section 5.2 of the Compact authorizes the Commission to “assume jurisdiction to control future pollution ... in the waters of the basin, whenever it determines after investigation and public hearing upon due notice that the effectuation of the comprehensive plan so requires.” It further authorizes the Commission to control pollution from industrial or other waste originating within a basin state so that the pollution does not “injuriously affect the waters of the basin as contemplated by the comprehensive plan.” The Commission may also adopt rules, regulations and standards to control future pollution. Considering the totality of the risks that HVHF poses to basin water resources, the Commission proposes in Section 440.3(b) of the draft rule to determine that controlling pollution by prohibiting high volume hydraulic fracturing in the basin is required to effectuate the comprehensive plan, avoid injury to the waters of the basin as contemplated by the comprehensive plan and protect the public health and preserve the waters of the basin for uses in accordance with the comprehensive plan.

Water exports. The transfer of surface water, groundwater, treated wastewater or mine drainage water, at any rate or volume, for utilization in hydraulic fracturing to produce oil and gas outside the Delaware River Basin is proposed to require Commission approval. Currently, exports of water from the basin of less than the daily average quantity of 100,000 gallons are deemed to have no substantial effect on the basin’s water resources and are thus not reviewed by the Commission under section 3.8 of the Compact. The Commission has a longstanding policy of discouraging exportations of water on the grounds that the availability of water to meet in-basin needs is limited and low-flow and drought conditions are frequent. Unlike regulated withdrawals for domestic, commercial and industrial water supplies, withdrawals of large quantities of water for hydraulic fracturing to produce oil and gas have the potential, if unregulated, to occur through de-centralized, periodic and transient means and thus to adversely affect headwater streams and minimum flows of surface and groundwater, and to impair uses protected by the Commission’s comprehensive plan. The proposed rule will make all proposed exports of water for oil and gas extraction subject to the requirement that alternatives involving no exportation be analyzed and

that the water resource, economic and social impacts of the proposal be evaluated.

Wastewater. As set forth above, the data available on produced water (including flowback) from hydraulically fractured wells in the Marcellus formation indicate that this waste stream is unlike other industrial and domestic waste streams treated and discharged in the Delaware River Basin, and that it poses significant risks to human health and the environment if improperly handled. Under the proposed rules, the “produced water” from the hydrocarbon-bearing strata during oil and gas extraction is broadly defined to include untreated produced water, diluted produced water, and produced water mixed with other wastes. The rule provides that this material may not be transferred to, treated by or discharged from or to a new or existing wastewater treatment facility located within the Delaware River Basin, at any volume or rate, except in accordance with an approval in the form of a docket issued by the Commission to the owner or operator of the wastewater treatment facility or in accordance with a state permit issued pursuant to a duly adopted administrative agreement between the Commission and the host state. The rule further provides that produced water may not be treated within the basin except at a centralized waste treatment facility (CWT) as that term is defined by the EPA in 40 CFR part 437 and may not be discharged within the basin without treatment at a CWT. Because current EPA regulations governing treatment by CWTs do not include limitations for pollutants commonly found in produced water, such as total dissolved solids, barium, bromide, radium and strontium,⁵⁵⁶ the proposed rule also places conditions on the treatment and discharge of wastewater or effluent resulting from the treatment of produced water by a CWT (“CWT wastewater”) before the CWT wastewater can be discharged to basin waters or to another treatment facility within the basin.

The Commission already has in place a policy to discourage the importation of wastewater into the basin due to the limited capacity of the basin’s waters to assimilate waste. Proposals to import produced water and CWT wastewater into the basin will be subject to this policy and to the requirements that alternatives involving no importation be analyzed and that the water resource, economic and social impacts of the proposal be evaluated.

Under the proposed rules, projects involving the treatment and discharge of produced water within the basin must meet the more stringent of applicable federal, state and DRBC requirements. Additional effluent limitations are proposed to apply to such projects for TDS, whole effluent toxicity, and a set of “pollutants of concern” identified on the basis of produced water characterizations provided by EPA in a 2016 technical document.⁵⁵⁷ The majority of the EPA’s primary and secondary drinking water standards are also proposed as treatment levels for produced water discharged to a receiving waterbody designated for use as a public water supply. Treatability studies will be required to ensure that pollutant loads from natural gas wastewater are thoroughly characterized and that treatment ensures these pollutants are effectively reduced or eliminated, such that applicable effluent limits, stream quality objectives, protected uses, and in the case of Special Protection Waters, the “no measurable change” objective, are attained. Because the proposed rule requires treatment to “background concentrations” for pollutants of concern in many instances, the Commission is simultaneously publishing draft guidance on acceptable methods for determining background concentrations of these pollutants.

Other changes. Revisions to the Commission’s thresholds for review set forth at 18 CFR 401.35 are proposed to establish that certain activities relating to hydraulic fracturing in hydrocarbon-bearing formations are deemed to constitute projects having a substantial effect on water resources of the basin and are thus subject to review under Section 3.8 of the Compact. These include: the importation, treatment, or discharge to basin land or water of “produced water” as defined by the rule; and the exportation of water from the basin for uses related to hydraulic fracturing. Although certain additional activities and facilities on a well pad site could be separately identified by the Commission as projects, in light of the proposed prohibition, no changes to existing rules are proposed in this regard at this time. Minor changes are concurrently proposed to existing thresholds for the Commission’s review of leachate discharges and wetlands.

To provide for appropriate fees to cover the cost of reviews of new classes of projects deemed to require the Commission’s approval, changes are also proposed to section 401.43 (regulatory program fees).

Executive Director Determinations

The final regulations relating to natural gas development when adopted will supersede and replace the Executive Director’s Determinations issued on May 19, 2009, June 14, 2010 and July 23, 2010.

Public Process

Substance of comments. The Commission expressly seeks comment on the effects the proposed rules may have within the basin on: water

availability, the control and abatement of water pollution, economic development, the conservation and protection of drinking water supplies, the conservation and protection of aquatic life, the conservation and protection of water quality in Special Protection Waters, and the protection, maintenance and improvement of water quantity and quality basinwide. Comment is also requested on whether use of base fluids other than water for HVHF is practical within the basin and if so, how it should be addressed in these rules, and on any alternatives to the proposed rules that the commenters would like the Commission to consider, as well as on draft guidance published simultaneously with the rules for determining background concentrations of certain pollutants. The Commission welcomes and will consider any other comments that concern the potential effects of the draft rules on the conservation, utilization, development, management and control of the water and related resources of the Delaware River Basin. Comments on matters not within this scope may not be considered.

Non-digitized voluminous materials such as books, journals or collected letters/petitions will not be accepted. Digital submissions of these, as well as articles and websites, must be accompanied by a statement containing citations to the specific findings or conclusions the commenter wishes to reference.

Submission of written comments. Written comments along with any attachments may be submitted through the Commission's web-based comment system (<http://dockets.drbc.commentinput.com>) until 5 P.M. on February 28, 2018. All materials should be provided in searchable formats, preferably in.pdf searchable text. Notably, a picture scan of a document may not result in searchable text. Comments received through a method other than the designated on-line method, including via email, fax, postal/delivery services or hand delivery, will be included in the rulemaking record if an express exception has been granted. Requests for exceptions to the submission of comments using the web-based system will be granted based on lack of access to the Internet and may be addressed to: Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628.

Public hearings. Details regarding registration to attend public hearings and to request speaking time are set forth in the fourth section of this notice, captioned "Registration to Attend and Speak at a Public Hearing". Additional procedures are described here. Notably, municipal, county, state, and federal elected officials (and staff speaking on behalf of elected officials) will be asked to identify themselves as such when registering. The number of speakers and the number of attendees will be limited by the space and time available. In order to provide as many individuals who wish to speak as possible with an opportunity to do so, each person will be limited to one time slot at one hearing location. Depending on the number who wish to be heard, speakers will be limited to two or three minutes.

The Commission appreciates the public's participation and input on this important matter. In order to ensure that scheduled public hearings are orderly and safe, it is essential that public hearing procedures be followed. The Commission's policies related to speaker conduct, audience conduct, safety, security, signs, placards and banners will be in effect at these public hearings. Participants are requested to review all DRBC public hearing procedures on DRBC's website at: http://www.state.nj.us/drbc/library/documents/procedures_public-hearings050317.pdf

The public is reminded that oral and written comments will receive the same consideration.

ADDITIONAL INFORMATION:

Detailed information about the public process, including links to the proposed rules and guidance are available on the Commission's website, drbc.net, and specifically, at: http://www.nj.gov/drbc/meetings/proposed/notice_hydraulic-fracturing.html

For the reasons set forth in the preamble, the Delaware River Basin Commission proposes to amend existing part 401 of title 18, subchapter A of the Code of Federal Regulations (18 CFR part 401) and to add a new part 440 to subchapter B of title 18 of the CFR, as set forth below.

¹ See *New Jersey v. New York*, 347 U.S. 995 (1954).

² See generally, New York State Department of Environmental Conservation, Final Supplemental Generic Environmental Impact Statement on the Oil, Gas and Solution Mining Regulatory Program – Regulatory Program for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs, May 2015 (hereinafter, NYS Final SGEIS). Available at: <http://www.dec.ny.gov/energy/75370.html>

³ Delaware River Basin Water Code (hereinafter, "Water Code")(18 CFR Part 410), sec. 3.10.3 A.2.

⁴ James L. Richenderfer et al., *Water Use Associated with Natural*

Gas Development: An Assessment of Activities Managed by the Susquehanna River Basin Commission – July 2008 - December 2013, Pub. No. 299, April 2016 (hereinafter, "SRBC NG Water Use 2016"), p.39. Available at: http://www.srb.net/pubinfo/techdocs/NaturalGasReport/docs/SRBC_Full_Gas_Report_fs306397v1_20160408.pdf

⁵ United States Environmental Protection Agency, Hydraulic Fracturing for Oil and Gas: Impacts from the Hydraulic Fracturing Water Cycle on Drinking Water Resources in the United States, Dec. 2016 (EPA-600-R-16-236Fa) (hereinafter, "EPA HF Study 2016"). Exec. Sum., p. 23, n.3 (explaining that in a multi-stage hydraulic fracturing operation, specific parts of the well are isolated and hydraulically fractured until the total desired length of the well has been hydraulically fractured.) Available at: <https://www.epa.gov/hfstudy>. Also see, 18 CFR 806.3 (SRBC regulations for review and approval of projects, defining "hydrocarbon development project" as including "all other activities and facilities associated with ... the production, maintenance, operation, closure, plugging and restoration of [unconventional natural gas development] wells or drilling pad sites that require water for purposes including but not limited to, re-stimulation and/or re-completion of such wells" (emphasis added)).

⁶ See e.g., Alex K. Manda et al., Evolution of multi-well pad development and influence of well pads on environmental violations and wastewater volumes in the Marcellus shale (USA), *J. Environ. Manage.*, Sep. 1, 2014, 142:36-45. Available at <https://www.ncbi.nlm.nih.gov/pubmed/24814546>

⁷ See NYS Final SGEIS 2016, supra n.1.

⁸ See EPA HF Study 2016, supra n.5.

⁹ The term "hydraulic fracturing water cycle" is used by the EPA to describe the five stages of this water-intensive activity: water acquisition, chemical mixing, well injection, produced water handling, wastewater disposal and reuse. EPA HF Study 2016, Exec. Sum., pp. 7-9. Extracted at: <https://www.epa.gov/hfstudy/hydraulic-fracturing-water-cycle>

¹⁰ See United States Environmental Protection Agency, Technical Development Document for the Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category, June 2016 (EPA-820-R-16-003) (hereinafter "EPA TDD 2016"). Available at: https://www.epa.gov/sites/production/files/2016-06/documents/uog_oil-and-gas-extraction_tdd_2016.pdf

¹¹ SRBC NG Water Use 2016, p. 39.

¹² Id.

¹³ EPA HF Study 2016, Exec. Sum., p. 11 (Table ES-1).

¹⁴ Id.

¹⁵ EPA TDD 2016, p. 43 (Table C-1).

¹⁶ SRBC NG Water Use 2016, p. 43.

¹⁷ EPA HF Study 2016, Exec. Sum., p. 10.

¹⁸ Id., p. 12 (Fig. ES-4(a)).

¹⁹ SRBC NG Water Use 2016, p. 38.

²⁰ For comparison with climatically similar areas and the world, see Kimberly H. Schaffer and Donna L. Runkle, *Consumptive Water-Use Coefficients for the Great Lakes basin and Climatically Similar Areas*, U.S. Geological Survey Scientific Investigations Report 2007-5197, p. 13 (Fig. 7). Available at: <https://pubs.usgs.gov/sir/2007/5197/>

²¹ EPA HF Study 2016, Exec. Sum., p. 16.

²² Id. A comprehensive review of chemical additives is provided in EPA TDD 2016, pp. 43-47 (Sec. 1.2).

²³ EPA HF Study 2016, p. 5-20 (Text Box 5-2).

²⁴ Id., Exec. Sum., p. 1.

²⁵ U.S. Environmental Protection Agency, *Review of State and Industry Spill Data: Characterization of Hydraulic Fracturing-Related Spills*, May 2015 (EPA/601/R-14/001) (hereinafter "EPA HF Spill Data 2015"), p. 1. Available at: <https://www.epa.gov/hfstudy/review-state-and-industry-spill-data-characterization-hydraulic-fracturing-related-spills-1>

- ²⁶ EPA HF Study 2016, p. 5-42.
- ²⁷ Id.
- ²⁸ See generally, NYS Final SGEIS, Ch. X. Available at: http://www.dec.ny.gov/docs/materials_minerals_pdf/fsgeis2015ch10.pdf
- ²⁹ EPA HF Study 2016, Exec. Sum., p. 24.
- ³⁰ Id.
- ³¹ Id., pp. 23-29. Also see Main Report, Ch. 6.
- ³² See generally, EPA TDD 2016, pp. 59-81 (part C.3) for a comprehensive characterization of produced water that includes a significant number of data points for the Marcellus formation.
- ³³ United States Environmental Protection Agency, Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category, Final Rule, 81 Fed. Reg. 41845, 41847c.
- ³⁴ William D. Burgos et al., Watershed-Scale Impacts from Surface Water Disposal of Oil and Gas Wastewater in Western Pennsylvania. *Environ. Sci. Technol.*, 2017, 51 (15), pp. 8851–8860. Available at: <http://pubs.acs.org/doi/abs/10.1021/acs.est.7b01696>
- ³⁵ Kimberly M. Parker et al., Enhanced formation of disinfection byproducts in shale gas wastewater-impacted drinking water supplies. *Environ Sci Technol.* 2014 Oct 7; 48 (19), pp. 11161-9. Available at: <http://pubs.acs.org/doi/abs/10.1021/es5028184>
- ³⁶ Id., pp. 41485-41857.
- ³⁷ See DRBC Water Code section 3.10.3 A.2, 18 CFR Part 410.
- ³⁸ Id.
- ³⁹ See DRBC map at: <http://www.nj.gov/drbc/library/documents/maps/SPW-MarcellusShale.pdf>
- ⁴⁰ E.T. Slonecker et al., Landscape Consequences of Natural Gas Extraction in Allegheny and Susquehanna Counties, Pennsylvania, 2004–2010; U.S. Department of the Interior U.S. Geological Survey, Open-File Report 2013–1025, p. 19 (Table 2) (converted to acres).
- ⁴¹ EPA HF Study 2016, Exec. Sum., p. 2.
- ⁴² NYS Final SGEIS 2016, pp. 1, 13.
- ⁴³ United States Public Law 87-328, Approved Sept. 27, 1961, 75 Statutes at Large 688; 53 Delaware Laws, Ch. 71, Approved May 26, 1961; New Jersey Laws of 1961, Ch. 13, Approved May 1, 1961; New York Laws of 1961, Ch. 148, Approved March 17, 1961; Pennsylvania Acts of 1961, Act. No. 268, Approved July 7, 1961.
- ⁴⁴ Id., Part I, 1st Whereas clause.
- ⁴⁵ Id., 8th Whereas clause.
- ⁴⁶ Id., § 5.2.
- ⁴⁷ Water Code, § 2.30.2.
- ⁴⁸ Id.
- ⁴⁹ Id., § 3.10.3. A.2.
- ⁵⁰ Id., § 2.30.6.
- ⁵¹ Id.
- ⁵² Id., § 3.40.5 B.1.
- ⁵³ Id., § 3.40.5 B.3.
- ⁵⁴ DRBC Resolution No. 2000-4, “Be it resolved” par. 4.
- ⁵⁵ Id., “Be it resolved” par. 1.
- ⁵⁶ United States Environmental Protection Agency, Final 2014 Effluent Guidelines Program Plan, July 2015 (EPA-821-R-15-002), p. 5-4 (sec. 5.3.2). Available at: https://www.epa.gov/sites/production/files/2015-09/documents/final-2014-effluent-guidelines-program-plan_july-2015.pdf. A detailed EPA study of the CWT industry focused on facilities accepting oil and gas extraction wastewaters is ongoing. See Preliminary 2016 Effluent Guidelines Program Plan, June 2016 (EPA-821-R-16-001), p. 6-1 (sec. 6.1).
- ⁵⁷ See EPA TDD 2016, pp. 59-81 (Part C.3).

PART 401—RULES OF PRACTICE AND PROCEDURE

§ 401.35 Classification of projects for review under Section 3.8 of the Compact.

(a) Except as the [Executive Director] *Commission* may specially direct

by notice to the project owner or sponsor, [or as a state or federal agency may refer under paragraph (c) of this section,] a project in any of the following classifications will be deemed not to have a substantial effect on the water resources of the basin and is not required to be submitted under Section 3.8 of the Compact:

(2) A withdrawal from ground water [for any purpose] when the daily average gross withdrawal during any 30 consecutive day period does not exceed 100,000 gallons;

(4) *Except as provided at 18 CFR 401.35(b)(18) (RPP § 2.3.5 B.18.)*, [T]he construction of new domestic sewage treatment facilities or alteration or addition to existing domestic sewage treatment facilities when the design capacity of such facilities is less than a daily average rate of 10,000 gallons per day in the drainage area to Outstanding basin Waters and Significant Resource Waters or less than 50,000 gallons per day elsewhere in the basin; and all local sewage collector systems and improvements discharging into authorized trunk sewage systems;

(5) *Except as provided at 18 CFR 401.35(b)(18) (RPP § 2.3.5 B.18.)*, [T]he construction of new facilities or alteration or addition to existing facilities for the direct discharge to surface or ground waters of industrial wastewater having design capacity of less than 10,000 gallons per day in the drainage area to Outstanding basin Waters and Significant Resource Waters or less than 50,000 gallons per day elsewhere in the basin; except where such wastewater contains toxic concentrations of waste materials;

(15) Draining, filling or otherwise altering marshes or wetlands when the area affected is less than 25 acres; provided; however, that areas less than 25 acres shall be subject to Commission review and action [(i)] where neither a state nor a federal level review and permit system is in effect; [requiring action by the Commission, or (ii) when a Commissioner or the Executive Director determines that the final action of a state or federal permitting agency may not adequately reflect the Commission’s policy as to wetlands of the basin. In the case of a project affecting less than 25 acres for which there has been issued a state or federal permit, a determination to undertake review and action by the Commission shall be made no later than 30 days following notification of the Commission of such permit action. The Executive Director, with the approval of the Chairman, may at any time within the 30-day period inform any permit holder, signatory party or other interested party that the Commission will decline to undertake review and action concerning any such project;]

(16) *Except as provided at 18 CFR 401.35(b)(19) (RPP § 2.3.5 B.19.)*, [T]he diversion or transfer of water from the Delaware River Basin (exportation) whenever the design capacity is less than a daily average rate of 100,000 gallons;

(18) *Except as provided at 18 CFR 401.35(b)(18) (RPP § 2.3.5 B.18.)*, [T]he diversion or transfer of wastewater into the Delaware River Basin (importation) whenever the design capacity is less than a daily average rate of 50,000 gallons; and

(19) *To the extent allowed in the basin (see prohibition at 18 CFR 440.3(b)), projects involving hydraulic fracturing, unless no state-level review and permit system is in effect;*

([19]20) Temporary or short term projects determined to have non-substantial impact on the water resources of the basin by the Executive Director.

(b) All other projects which have or may have a substantial effect on the water resources of the basin shall be submitted to the Commission in accordance with these regulations for determination as to whether the project impairs or conflicts with the comprehensive plan. Among these are projects involving the following (except as provided in paragraph [A.] (a) of this section):

[(14) Regional wastewater treatment plans developed pursuant to the Federal Water Pollution Control Act;]

(14[5]) *Leachate treatment and disposal projects associated with landfills and solid waste disposal facilities in the basin;* [Landfills and solid waste disposal facilities affecting the water resources of the basin;]

(15[6]) State and local standards of flood plain regulation;

(16[7]) Electric generating or cogenerating facilities designed to consumptively use in excess of 100,000 gallons per day of water during any 30-day period; and

(17[8]) Any other project that the [Executive Director] *Commission* may especially direct by notice to the project sponsor or land owner as having a potential substantial water quality impact on waters classified as Special Protection Waters.

(18) *The importation, treatment, or discharge to basin land or water of “produced water” or CWT wastewater as those terms are defined in 18 CFR 440.2.*

(19) The transfer, diversion or exportation of water from the basin at any volume or rate for uses related to "hydraulic fracturing" as that term is defined in 18 CFR 440.2.

(c) Regardless of whether expressly excluded from review by paragraph (a) of this section, any project or class of projects that in the view of the Commission could have a substantial effect on the water resources of the basin may, upon special notice to the project sponsor or landowner, be subject to the requirement for review under section 3.8 of the Compact. [Whenever a state or federal agency determines that a project falling within an excluded classification (as defined in paragraph (a) of this section) may have a substantial effect on the water resources of the basin, such project may be referred by the state or federal agency to the Commission for action under these Rules.]

[(d) Except as otherwise provided by § 401.39 the sponsor shall submit an application for review and approval of a project included under paragraph B. above through the appropriate agency of a signatory party. Such agency will transmit the application or a summary thereof to the Executive Director, pursuant to Administrative Agreement, together with available supporting materials filed in accordance with the practice of the agency of the signatory party.]

§ 401.43 Regulatory program fees.

(b) ***

(1) [Docket a]Application fee. Except as set forth in paragraph (b)(1)(iii) of this section, the [docket] application fee shall apply to:

(iii) Exemptions. The [docket] application fee shall not apply to:

(2) Annual monitoring and coordination fee.

(i) Except as provided in paragraph (b)(2)(ii) of this section, an annual monitoring and coordination fee shall apply to each active water allocation or wastewater discharge approval issued pursuant to the Compact and implementing regulations, regardless of whether the approval was issued by the Commission in the form of a docket, permit or other instrument, or by a Signatory Party Agency under the One Permit Program rule (§ 401.42). [The fee shall be based on the amount of a project's approved monthly water allocation and/or approved daily discharge capacity.]

(3) ***

(v) a project involves treatability studies for the discharge of wastewater.

(4) ***

(iii) Modification of a DRBC approval. Following Commission action on a project, each project revision or modification that the Executive Director deems substantial shall require an additional [docket] application fee calculated in accordance with paragraph (e) of this section and subject to an alternative review fee in accordance with paragraph (b)(3) of this section.

(c) Indexed adjustment. On July 1 of every year, beginning July 1, 2017, all fees established by this section will increase commensurate with any increase in the annual April 12-month Consumer Price Index (CPI) for Philadelphia, published by the U.S. Bureau of Labor Statistics during that year.¹ In any year in which the April 12-month CPI for Philadelphia declines or shows no change, the [docket] application fee and annual monitoring and coordination fee will remain unchanged. Following any indexed adjustment made under this paragraph (c), a revised fee schedule will be published in the Federal Register by July 1 and posted on the Commission's website. Interested parties may also obtain the fee schedule by contacting the Commission directly during business hours.

(e) ***

TABLE 1 TO § 401.43 – [DOCKET] APPLICATION [FILING] FEES

Project Type	[Docket] Application Fee	Fee Maximum
Water Allocation	\$405 per million gallons/month of allocation ¹ , not to exceed \$15,190 ¹ . Fee is doubled for any portion to be exported from the basin.	Greater of: \$15,190 ¹ or Alternative Review Fee

Wastewater Discharge	Private projects: \$1,013 ¹ Public projects: \$506 ¹ Projects involving wastewater treatability studies: \$5,000 ¹	Alternative Review Fee
Other	0.4% of project cost up to \$10,000,000 plus 0.12% of project cost above \$10,000,000 (if applicable), not to exceed \$75,951 ¹	Greater of: \$75,951 ¹ or Alternative Review Fee

¹ Subject to an annual adjustment in accordance with paragraph (c) of this section.

TABLE 2 TO § 401.43 – ANNUAL MONITORING AND COORDINATION FEE

Water Allocation	Annual Fee	Allocation
	\$304 ¹	< 4.99 mgm
	\$456 ¹	5.00 to 49.99 mgm
	\$658 ¹	50.00 to 499.99 mgm
	\$835 ¹	500.00 to 9,999.99 mgm
	\$1,013 ¹	> or = to 10,000 mgm
Wastewater Discharge	Annual Fee	Discharge Design Capacity
	\$304 ¹	< 0.05 mgd
	\$618 ¹	0.05 to 0.99[1] mgd
	\$830 ¹	1 to 9.99[10] mgd
	\$1,013 ¹	> or = to >[>]10 mgd

¹ Subject to annual adjustment in accordance with paragraph (c) of this section.

SUBCHAPTER B – SPECIAL REGULATIONS

PART 440 – HYDRAULIC FRACTURING IN SHALE AND OTHER FORMATIONS

§ 440.1 Purpose, authority and relationship to other requirements.

(a) Purpose. The purpose of this part is to protect and conserve the water resources of the Delaware River Basin. To effectuate this purpose, this section establishes standards, requirements, conditions and restrictions to prevent or reduce depletion and degradation of surface and groundwater resources and to promote sound practices of water resource management.

(b) Authority. This part implements Sections 1.5, 3.6(b), 3.8, 4.1, 5.2, 7.1, 13.1 and 14.2(a) of the Delaware River Basin Compact.

(c) Comprehensive plan. The Commission has determined that the provisions of this part are required for the immediate and long range development and use of the water resources of the basin and are therefore incorporated into the Commission's comprehensive plan.

(d) Relationship to other Commission requirements. The provisions of this part are in addition to all applicable requirements in other Commission regulations, dockets and permits.

Upon the effective date of this rule, the Executive Director Determinations dated May 19, 2009, June 14, 2010 and July 23, 2010, to the extent not already superseded by the Commission's Resolution dated December 8, 2010, are no longer operative.

(e) Severability. The provisions of this part are severable. If any provision of this part or its application to any person or circumstances is held invalid, the invalidity will not affect other provisions or applications of this part, which can be given effect without the invalid provision or application.

(f) Coordination and avoidance of duplication. In accordance with and pursuant to section 1.5 of the Delaware River Basin Compact, to the fullest extent it finds feasible and advantageous the Commission may enter into an Administrative Agreement (Agreement) with any basin state or the federal government to coordinate functions and eliminate unnecessary duplication of effort. Such Agreements will be designed to: effectuate

intergovernmental cooperation, minimize the efforts and duplication of state and Commission staff resources wherever possible, ensure compliance with Commission-approved requirements, enhance early notification of the general public and other interested parties regarding proposed activities in the basin, indicate where a host state's requirements satisfy the Commission's regulatory objectives and clarify the relationship and project review decision making processes of the states and the Commission for projects subject to review by the states under their state authorities and by the Commission under Section 3.8 and Articles 6, 7, 10 and 11 of the Compact.

§ 440.2 Definitions.

For purposes of this part, the following terms and phrases have the meanings provided. Some definitions differ from those provided in regulations of one or more agencies of the Commission's member states and the federal government.

Basin - the area of drainage into the Delaware River and its tributaries, including Delaware Bay.

Centralized waste treatment (CWT) facility - as defined by EPA at 40 CFR 437.2(c), any facility that treats (for disposal, recycling or recovery of material) any hazardous or non-hazardous industrial wastes, hazardous or non-hazardous industrial wastewater, and/or used material received from off-site. "CWT facility" includes both a facility that treats waste received exclusively from off-site and a facility that treats wastes generated on-site as well as waste received from off-site.

Commission - the Delaware River Basin Commission (DRBC) created and constituted by the Delaware River Basin Compact.

Conservative Substances - pollutants that undergo no or minimal transformation or decay in a water body or groundwater, except by dilution.

CWT wastewater - For purposes of this part, "CWT wastewater" means any wastewater or effluent resulting from the treatment of produced water by a CWT.

Docket - a legal instrument issued by the Commission approving, or approving as modified, a project having a substantial effect on water resources of the basin. The approval may modify the project by imposing conditions to prevent the project from substantially impairing or conflicting with the Commission's comprehensive plan.

Domestic wastewater - liquid waste that contains pollutants produced by a domestic residence or residences or by a non-residential facility that generates wastewater with the same characteristics as residential wastewater.

Executive Director - the Executive Director of the Delaware River Basin Commission.

Flowback - Fluids returned to the surface through an oil or gas well once hydraulic fracturing pressure is released. Flowback can also refer to the stage of well completion in which fluids are returned to the surface through the well after fracturing is performed.

Groundwater - includes all water beneath the surface of the ground.

Hydraulic Fracturing - a technique used to stimulate the production of oil and natural gas from a well by injecting fracturing fluids down the wellbore under pressure to create and maintain induced fractures in the hydrocarbon-bearing rock of the target geologic formation.

High-volume hydraulic fracturing (HVHF) - hydraulic fracturing using a combined total of 300,000 or more gallons of water during all stages in a well completion, whether the well is vertical or directional, including horizontal, and whether the water is fresh or recycled and regardless of the chemicals or other additives mixed with the water.

Fracturing fluid(s) - a mixture of water (whether fresh or recycled) and/or other fluids and chemicals or other additives, which are injected into the subsurface and which may include chemicals used to reduce friction, minimize biofouling of fractures, prevent corrosion of metal pipes or remove drilling mud damage within a wellbore area, and propping agents such as silica sand, which are deposited in the induced fractures.

Person - any natural person, corporation, partnership, association, company, trust, federal, state or local governmental unit, agency, or authority, or other entity, public or private.

Pollutants - any substance which when introduced into water resources, including surface water or groundwater, degrades natural or existing water quality, including but not limited to: dredge spoils, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemicals and chemical wastes, biological materials, radioactive materials, methane, heat, wrecked or discarded equipment, rock, sand, sediment, cellar dirt, and industrial, municipal or agricultural waste as well as any substance defined as a pollutant, contaminant or hazardous substance by any federal or state statute or regulation.

Pollutants of concern - conservative, radioactive, toxic or other substances that are potentially present in produced water, consisting of all parameters listed in the EPA Technical Development Document for the Effluent Limitations Guidelines and Standards for the Oil and Gas Extrac-

tion Point Source Category (June 2016), specifically all pollutants for produced water listed in Tables C-11, C-13, C-15, C-17, and C-19.

Produced water - the water that flows out of an oil or gas well, typically including other fluids and pollutants and other substances from the hydrocarbon-bearing strata. Produced water may contain "flowback" fluids, fracturing fluids and any chemicals injected during the stimulation process, formation water, and constituents leached from geologic formations. For purposes of §§ 401.35(b)(18) and 440.5, the term "produced water" encompasses untreated produced water, diluted produced water, and produced water mixed with other wastes.

Wastewater treatment facility - any facility treating and discharging wastewater.

Water resource(s) - water and related natural resources in, on, under, or above the ground, including related uses of land, which are subject to beneficial use, ownership or control within the hydrologic boundary of the Delaware River Basin.

§ 440.3 High volume hydraulic fracturing (HVHF)

(a) **Determination.** The Commission has determined that high volume hydraulic fracturing poses significant, immediate and long-term risks to the development, conservation, utilization, management, and preservation of the water resources of the Delaware River Basin and to Special Protection Waters of the basin, considered by the Commission to have exceptionally high scenic, recreational, ecological, and/or water supply values. Controlling future pollution by prohibiting such activity in the basin is required to effectuate the comprehensive plan, avoid injury to the waters of the basin as contemplated by the comprehensive plan and protect the public health and preserve the waters of the basin for uses in accordance with the comprehensive plan.

(b) **Prohibition.** High volume hydraulic fracturing in hydrocarbon bearing rock formations is prohibited within the Delaware River Basin.

§ 440.4 Exportation of water for hydraulic fracturing

As set forth in Section 2.30 of the Water Code (incorporated by reference at 18 CFR Part 410), it is the policy of the Commission to discourage the exportation of water from the Delaware River Basin. Accordingly, the diversion, transfer or exportation of water from sources within the basin to support hydraulic fracturing outside the basin is discouraged. The transfer of surface water, groundwater, treated wastewater or mine drainage water, at any rate or volume, for utilization in hydraulic fracturing of hydrocarbon bearing rock formations outside the basin requires Commission approval in the form of a docket and shall be subject to the evaluation described by section 2.30.4 of the Water Code.

§ 440.5 Produced water

(a) Related Commission Policies.

(1) It is the policy of the Commission to discourage the importation of wastewater into the basin (see Section 2.30.2 of the Delaware River Basin Water Code, incorporated by reference at 18 CFR Part 410).

(2) It is the policy of the Commission to give no credit toward meeting wastewater treatment requirements for wastewater imported into the basin (see Section 2.30.6 of the Delaware River Basin Water Code incorporated by reference at 18 CFR Part 410).

(3) The Commission has determined (see Resolution 2000-4) that allocations of the waste assimilative capacity of the Delaware River Estuary are necessary to maintain stream quality objectives for acute toxicity and chronic toxicity in Water Quality Zones 2, 3, 4 and 5 and for 1,2 dichloroethane and tetrachloroethene in Water Quality Zones 2 and 3.

(4) It is the policy of the Commission that there be no measurable change in existing water quality except towards natural conditions in waters considered by the Commission to have exceptionally high scenic, recreational, ecological, and/or water supply values. Waters with exceptional values may be classified by the Commission as either Outstanding basin Waters or Significant Resource Waters. (See Section 3.10.3.2 of the Delaware River Basin Water Code, incorporated by reference at 18 CFR Part 410).

(5) Effluents shall not create a menace to public health or safety at the point of discharge. (See Section 3.10.4 of the Delaware River Basin Water Code, incorporated by reference at 18 CFR Part 410).

(6) The underground water resources of the basin shall be used, conserved, developed, managed, and controlled in view of the needs of present and future generations, and in view of the resources available to them. To that end, interference, impairment, penetration, or artificial recharge shall be subject to review and evaluation under the Compact. (See Section 2.20.6 of the Delaware River Basin Water Code, incorporated by reference at 18 CFR Part 410).

(b) **Approval required.** Produced water and CWT wastewater as defined in this part may not be imported into the basin except by a new or existing wastewater treatment facility located within the basin, and may not be transferred to, treated by or discharged from or to a new or existing wastewater treatment facility located within the basin, at any volume or

rate, except in accordance with an approval in the form of a docket issued by the Commission to the owner or operator of the wastewater treatment facility pursuant to Section 3.8 of the Compact or in accordance with a state permit issued pursuant to a duly adopted administrative agreement between the Commission and the host state.

(c) Alternatives and impact assessment. Any project involving the importation of produced water or CWT wastewater into the basin shall be subject to the requirement that alternatives involving no importation must be analyzed and the water resource, economic and social impacts of the project evaluated, as described in section 2.30.4 of the Commission's Water Code.

(d) Compliance with existing rules. In addition to the requirements in this part, all discharges within the basin of produced water and CWT wastewater as defined in this part must comply with applicable DRBC Water Quality Regulations (incorporated by reference at 18 CFR Part 410), state regulations and federal regulations. If a conflict exists among the applicable regulations, the more stringent requirement shall apply to these discharges.

(e) Treatment facilities.

(1) Produced water as defined in this part:

(i) may not be treated within the basin except at a centralized waste treatment facility (CWT) as that term is defined by the U.S. Environmental Protection Agency in 40 CFR part 437 (to convert it to CWT wastewater); and pursuant to an approval issued in accordance with section 440.5(b) of this part.

(ii) may not be discharged within the basin without treatment at a CWT.

(2) CWT wastewater as defined in this part may be discharged only:

(i) directly by the CWT pursuant to an approval issued in accordance with section 440.5(b) of this part; or

(ii) indirectly by a CWT to a wastewater treatment facility within the basin (via sewer, truck or other means) pursuant to an approval issued in accordance with section 440.5(b) of this part,

(iii) provided that the discharge meets the requirements of sections 440.5(f) through (h) of this part.

(f) Treatability studies. The Commission shall not issue any required docket or approval for the treatment of produced water or the discharge of CWT wastewater unless the project sponsor has identified each proposed source of the produced water or CWT wastewater and has submitted to the Commission a treatability study (or studies) prepared by a professional engineer licensed in the state(s) in which the treatment and discharge facilities are located, demonstrating that:

(1) an analysis, characterization and quantification of all pollutants of concern, as that term is defined in section 440.2 of this part, has been conducted and the results submitted to the Commission;

(2) the acute and chronic toxicity of the waste, measured as Whole Effluent Toxicity (WET), have been evaluated;

(3) the treatment technologies and applicable design criteria to be used to meet all requirements of section 440.5(g) of this part have been identified;

(4) the produced water (or CWT wastewater) will not pass through or interfere with the facility's treatment process, and the resulting effluent will meet all applicable limits;

(5) the classification, treatment and disposal of residuals from the facility, if any, will not be adversely affected; and

(6) the discharge will not cause or contribute to an exceedance of applicable water quality criteria or stream quality objectives or impair the existing or protected use of the receiving water.

(g) Additional effluent requirements. Except as provided in paragraph (h) of this section, the following requirements shall apply within the basin to effluent resulting from the treatment of produced water or CWT wastewater. In any instance in which these requirements are deemed to conflict, the more stringent shall apply:

(1) For total dissolved solids (TDS):

(i) the effluent shall not exceed background or 500 mg/l, whichever is less,

(ii) provided, however, that in waters that drain to Delaware River Water Quality Zones 4 through 6, the resulting effluent shall not exceed 1,000 mg/l, or a concentration established by the Commission that is compatible with designated water uses and stream quality objectives.

(iii) The Commission will publish guidance on acceptable methods for determining background TDS concentrations.

(2) For waters for which the protected or designated uses include "public water supplies" or "drinking water", the effluent shall not exceed the more stringent of EPA's or the host state's:

(i) primary drinking water standards for inorganic chemicals, organic chemicals (excluding acrylamide and epichlorohydrin) and disinfection byproducts; and

(ii) secondary drinking water standards (excluding color, corrosivity, and odor).

(3) For whole effluent toxicity (WET), the effluent shall not exceed: 0.3 toxic units (acute) and 1.0 toxic units (chronic).

(4) For pollutants of concern as defined in Section 440.2 of this part:

(i) For waters that drain to Special Protection Waters, the effluent shall not exceed the background concentration of each pollutant in the receiving water.

(ii) For waters that do not drain to Special Protection Waters:

a. If pollutant-specific numeric water quality criteria exist, the effluent concentration for the pollutant shall not exceed the numeric criteria.

b. If pollutant-specific numeric water quality criteria do not exist, the effluent shall not exceed the background concentration of the pollutant in the receiving water or cause an exceedance or violation of any existing narrative criteria.

c. The Commission will publish guidance on acceptable methods for determining background concentrations for pollutants of concern.

(5) The Commission may require the discharger to perform such monitoring and reporting as the Commission deems necessary to ensure compliance with established numeric effluent limits and to support the development of additional numeric limits if needed.

(h) Point of compliance.

(1) The effluent limitations are to be met at the point of discharge to basin waters.

(2) To ensure that all conditions, requirements and standards under this rule are met, the Commission may impose additional monitoring requirements or other conditions on any CWT within the basin that discharges CWT wastewater as defined in this part to another wastewater treatment facility in the basin.

(3) A mixing zone may be considered for any pollutant for which a mixing zone is permitted in the Delaware River Estuary by the DRBC Water Quality Regulations (incorporated by reference at 18 CFR Part 410).

¹ Consumer Price Index – U / Series ID: CWURA102SA0 / Not Seasonally Adjusted / Area: Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD / Item: All items / Base Period: 1982-84=100.

Dated: December 15, 2017

Pamela M. Bush, J.D., M.R.P.

Commission Secretary

Education Department

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

180 Day Requirement for State Aid Purposes

I.D. No. EDU-01-18-00002-P

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

Proposed Action: Amendment of section 175.5 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 305, 3001, 3003, 3004 and 3009

Subject: 180 Day Requirement for State Aid purposes.

Purpose: To clarify the requirement for 180 days of instruction for State aid purposes.

Text of proposed rule: 1. Subparagraph (iii) of paragraph (2) of subdivision (a) of section 80-5.13 is amended to read as follows:

(iii) Employment and support commitment. The candidate shall submit satisfactory evidence of having a commitment from a school or school district of employment as a [full-time] teacher with the school or school district in the area of the certificate sought for at least three school years, which shall include at least one year of [mentoring] *full-time teaching experience that is mentored*, as prescribed in section 52.21(b)(3)(xvii) or (b)(5) and 80-5.13(b)(1)(iii) of this Title.

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

Data, views or arguments may be submitted to: Brian Cechnicki, NYS Education Department, Education Building Room 139, Office of State Aid, Albany, NY 12234, (518) 486-2573, email: regcomments@nysed.gov

Public comment will be received until: 45 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:

Education Law 101(not subdivided) charges the education department with the general management and supervision of all public schools and all of the educational work of the state.

Education Law 207(not subdivided) grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

Education Law 1704 provides that no board of education in the city school district of the city of New York shall provide for a school year consisting of fewer than 180 days of school.

Education Law 3604 establishes the conditions under which districts are entitled to a State aid apportionments, which requires, among other things, 180 days of instruction and provides certain exceptions to the rule.

2. LEGISLATIVE OBJECTIVES:

The purpose of the proposed amendment to section 175.5 of the Regulations of the Commissioner of Education is to provide school districts and board of cooperative educational services with flexibility around the requirement to provide 180 days of instruction for State aid purposes.

3. NEEDS AND BENEFITS:

Education Law § 3604 requires that school districts to be in session for 180 days¹, or risk losing State Aid. Under Part 175 of the Commissioner's regulations, school districts and BOCES must provide a minimum number of instructional hours per day to meet this requirement. Minimum instructional hours per day are based on grade level (two and one-half hours for half-day kindergarten, five hours for full-day kindergarten through grade six, and five and one-half hours for grades seven through twelve). It is important to note that, under Part 175 of the Commissioner's regulations, lunch does not count toward the minimum daily instructional requirement. The Department has also interpreted the statute and regulations as not counting recess toward the minimum daily instructional requirement. This minimum daily requirement, when multiplied over the statutorily required 180 school days of instruction, means that over the course of a school year, school districts and BOCES are required to provide a minimum of 900 hours of instruction for full-day kindergarten through grade six and 990 hours of instruction for grades seven through twelve.

Education Law § 3604 and Part 175 of the Commissioner's regulations also address exceptions and special provisions pertaining to Superintendents' Conferences, staff development days, parent-teacher conferences, and extraordinary weather conditions:

- No sessions may be held on legal holidays (except for Election Day, and both Washington's and Lincoln's Birthday) or on Saturdays. (Education Law § 3604(8))

- Up to five days may be waived for weather/safety concerns only if there are no remaining scheduled vacation days between the event and the end of the Regents exam period. (Education Law § 3604(7))

- Up to four deficiencies of student time can be forgiven if used for Superintendent's Conferences, provided that two such days are for "staff development activities relating to implementation of the new high learning standards and assessments," and up to two days may be used at the end of August. (Education Law § 3604(8))

Competing Tensions in Calendar Development

Through the Advisory Committee process and the regional meetings held across the state, it became apparent that there are multiple factors that are considered in the development of a school district calendar, and that many of these factors are in conflict with one another.

These factors could be organized into three simple categories:

- The amount of instructional time provided to the student;
- The number of calendar days within which districts may schedule session; and
- The number of holidays districts observe and student/teacher vacation periods they schedule.

The factors, as a result of a fixed calendar, necessarily have tensions built in among them. If a district favors more time for one of these factors, mathematically there is less time for the others.

Feedback from the Advisory Committee

In light of the existing rules and competing tensions, the following key issues were highlighted by school districts and stakeholders through the Advisory Committee process:

- **Flexibility:** Districts have wide-ranging calendar needs, including differences in holiday observances, vacation practices, professional development practices, and parent-teacher conferences. The 180-day rules should allow districts to meet their individual challenges to the best of their own local ability, including considering session days outside of the typical Labor Day through Rating Day period.

- **Clarity:** The current regulations and guidance are confusing and antiquated. Updating these documents with clear language and providing examples and model calendars will assist districts in designing their calendars consistent with the rules.

- **Snow Days/Emergencies:** Often, during adverse weather or other conditions, school district officials may be prohibited by other municipal and state officials from holding school in session, and it is at times unfair to force districts to make up those days.

- **Collective Bargaining Agreements (CBAs):** Some of the current allowances and limitations in local school district calendars may be included within local teacher contracts. Some contracts may need to be revisited to ensure compliance with the proposed amendment.

- **Recess:** Lastly, the Advisory Committee gathered feedback about the issue of recess in the development of school scheduling to support students. District officials noted that, based on their past interpretations, the changes to the regulations could impact recess at schools.

Proposed Regulation and Statute Changes

In an effort to address the concerns from the field, the purpose of the proposed amendment is to provide districts with more flexibility in establishing their school calendars, while maintaining the current minimum amount of instructional time. For instance, rather than require a daily minimum amount of instructional time, the proposed amendment requires the following hourly requirements for the entire school year, spread out over 180 days:

- For pupils in half-day kindergarten, a minimum of 450 instructional hours.

- For pupils in full-day kindergarten and grades one through six, a minimum of 900 instructional hours.

- For pupils in grades seven through twelve, a minimum of 990 instructional hours.

The additional flexibility afforded to districts under this proposed regulation will provide districts with greater opportunities in a number of areas. First, they will be able to hold half-day sessions, especially around holidays, that will count toward the minimum requirement. Second, it will provide them with more opportunities for integrating professional development activities into their calendar without adversely impacting instructional time for students. Third, it will also free up time throughout the school year that can be used for other activities, such as additional parent-teacher conferences and/or recess. The Department believes this flexibility will allow districts to make local determinations, within their communities, about the length of lunch, the inclusion and length of recess time, and/or parent conferences in the school calendar.

The proposed amendment is only a minimum. Therefore, the Department also recommends adding a provision to the regulations to make it clear that nothing in the proposed regulation should be construed as precluding school districts and BOCES from lengthening the school day and/or school year beyond the annual minimum instructional requirement. Extensions may include both instructional and non-instructional activities including but not limited to homeroom periods, lunch, recess, staff development activities, parent-teacher conferences, or any other purpose the school district or BOCES has determined is necessary for the development of the whole child and/or to improve student achievement.

"Shortened Session" Days for Staff Development and Parent-Teacher Conferences

Currently, in addition to the four statutory Superintendent's Conference days, districts also have the option of utilizing "shortened session" days for staff development or parent-teacher conferences, if the instructional time in their daily calendars sufficiently exceeds the minimum that a full weeks' worth of hours are provided in less than five full days. Since shortened session days will no longer be needed under the proposed amendment, the restrictions on this allowance will be eliminated. Districts that currently offer shortened sessions and employ more than the current daily minimum instructional hours will be able to schedule such conferences and activities as they see fit, within the 180-day calendar, so long as they meet the annual total minimum hours of instruction. This will provide greater flexibility to hold conferences and activities in any block of time as the district sees fit and at any point during the year—including within the same week, or a week with a holiday.

Snow Days and Vacation Breaks

Based on feedback from the Advisory Committee, the Department also recommends pursuing legislative changes to provide additional flexibility for districts in cases where a state or local emergency requires closure for weather or public safety reasons that are beyond the control of the school superintendent. The Department also recommends pursuing legislative changes to allow districts, at their local discretion, to schedule session days outside of the traditional Labor Day through Rating Day time period, as well as legislation to make the penalty for failing to meet the 180-day requirement more fair and equitable.

New guidance resulting from these regulatory changes will recommend that districts work with their calendar committees and communities to

review their scheduled breaks and snow day assumptions, knowing that snow day contingencies are best incorporated into the calendar. In the event that such days are not fully utilized, districts will be able to provide additional days-off or additional instructional days toward the end of the school year at their local discretion.

Proposed Regulation

The Department proposes an amendment to the regulation to eliminate the current daily minimum instructional hour requirement and replace it with an aggregate yearly requirement, as explained above (i.e., 900/990 hours over 180 days for full-day kindergarten through grade six and grades seven through twelve, respectively), to provide school districts additional flexibility when establishing their school calendars. The proposed amendment also seeks to provide clarity around existing procedures relating to the scheduling of examinations, superintendent conference days, and extraordinary weather conditions. This revision will provide school districts with maximum flexibility in providing instructional time for their students.

4. COSTS:

a. Costs to State government: The amendment does not impose any costs on State government, including the State Education Department.

b. Costs to local government: The amendment does not impose any costs on local government.

c. Costs to private regulated parties: The amendment does not impose any costs on private regulated parties.

d. Costs to regulating agency for implementation and continued administration: See above.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any additional program, service, duty or responsibility upon any local government.

6. PAPERWORK:

The proposed amendment does not impose any additional paperwork requirements.

7. DUPLICATION:

The proposed amendment does not duplicate existing State or Federal requirements.

8. ALTERNATIVES:

Many alternatives were discussed with the Advisory Committee, but the proposed amendment provides the most flexibility to school districts and BOCES while still meeting the 180-day requirement.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed amendment will be adopted as a permanent rule by the Board of Regents at its April 2018 meeting. If adopted at the April 2018 meeting, the proposed amendment will become effective on April 25, 2018.

¹ Education Law § 1704(2) and § 3604(7); Charter schools are also required to have a minimum of 180 days of instruction but may have additional days of instruction pursuant to their charter, and are not included in this State Aid discussion as charter schools are paid through a charter school tuition formula and not State aid Full Time Equivalents.

Regulatory Flexibility Analysis

(a) Small businesses:

The purpose of the proposed amendment is to provide school districts and boards of cooperative educational services (BOCES) with flexibility relating to the requirement that there be 180 days of instruction for State aid purposes.

Because it is evident from the nature of the proposed amendment that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(b) Local governments:

1. EFFECT OF RULE:

The proposed amendment applies to each of the 689 public school districts in the State and to each board of cooperative educational services that seeks to obtain State aid.

2. COMPLIANCE REQUIREMENTS:

Education Law § 3604 requires that school districts be in session for 180 days¹, or risk losing State Aid. Under Part 175 of the Commissioner's regulations, school districts and BOCES must provide a minimum number of instructional hours per day to meet this requirement. Minimum instructional hours per day are based on grade level (two and one-half hours for half-day kindergarten, five hours for full-day kindergarten through grade six, and five and one-half hours for grades seven through twelve). It is important to note that, under Part 175 of the Commissioner's regulations, lunch does not count toward the minimum daily instructional requirement. The Department has also interpreted the statute and regula-

tions as not counting recess toward the minimum daily instructional requirement. This minimum daily requirement, when multiplied over the statutorily required 180 school days of instruction, means that over the course of a school year, school districts and BOCES are required to provide a minimum of 900 hours of instruction for full-day kindergarten through grade six and 990 hours of instruction for grades seven through twelve.

Education Law § 3604 and Part 175 of the Commissioner's regulations also address exceptions and special provisions pertaining to Superintendents' Conferences, staff development days, parent-teacher conferences, and extraordinary weather conditions:

- No sessions may be held on legal holidays (except for Election Day, and both Washington's and Lincoln's Birthday) or on Saturdays. (Education Law § 3604(8))

- Up to five days may be waived for weather/safety concerns only if there are no remaining scheduled vacation days between the event and the end of the Regents exam period. (Education Law § 3604(7))

- Up to four deficiencies of student time can be forgiven if used for Superintendent's Conferences, provided that two such days are for "staff development activities relating to implementation of the new high learning standards and assessments," and up to two days may be used at the end of August. (Education Law § 3604(8))

Competing Tensions in Calendar Development

Through the Advisory Committee process and the regional meetings held across the state, it became apparent that there are multiple factors that are considered in the development of a school district calendar, and that many of these factors are in conflict with one another.

These factors could be organized into three simple categories:

- The amount of instructional time provided to the student;
- The number of calendar days within which districts may schedule session; and
- The number of holidays districts observe and student/teacher vacation periods they schedule.

The factors, as a result of a fixed calendar, necessarily have tensions built in among them. If a district favors more time for one of these factors, mathematically there is less time for the others.

Feedback from the Advisory Committee

In light of the existing rules and competing tensions, the following key issues were highlighted by school districts and stakeholders through the Advisory Committee process:

- Flexibility: Districts have wide-ranging calendar needs, including differences in holiday observances, vacation practices, professional development practices, and parent-teacher conferences. The 180-day rules should allow districts to meet their individual challenges to the best of their own local ability, including considering session days outside of the typical Labor Day through Rating Day period.

- Clarity: The current regulations and guidance are confusing and antiquated. Updating these documents with clear language and providing examples and model calendars will assist districts in designing their calendars consistent with the rules.

- Snow Days/Emergencies: Often, during adverse weather or other conditions, school district officials may be prohibited by other municipal and state officials from holding school in session, and it is at times unfair to force districts to make up those days.

- Collective Bargaining Agreements (CBAs): Some of the current allowances and limitations in local school district calendars may be included within local teacher contracts. Some contracts may need to be revisited to ensure compliance with the proposed amendment.

- Recess: Lastly, the Advisory Committee gathered feedback about the issue of recess in the development of school scheduling to support students. District officials noted that, based on their past interpretations, the changes to the regulations could impact recess at schools.

Proposed Regulation and Statute Changes

In an effort to address the concerns from the field, the purpose of the proposed amendment is to provide districts with more flexibility in establishing their school calendars, while maintaining the current minimum amount of instructional time. For instance, rather than require a daily minimum amount of instructional time, the proposed amendment requires the following hourly requirements for the entire school year, spread out over 180 days:

- For pupils in half-day kindergarten, a minimum of 450 instructional hours.

- For pupils in full-day kindergarten and grades one through six, a minimum of 900 instructional hours.

- For pupils in grades seven through twelve, a minimum of 990 instructional hours.

The additional flexibility afforded to districts under this proposed regulation will provide districts with greater opportunities in a number of areas. First, they will be able to hold half-day sessions, especially around holidays, that will count toward the minimum requirement. Second, it will

provide them with more opportunities for integrating professional development activities into their calendar without adversely impacting instructional time for students. Third, it will also free up time throughout the school year that can be used for other activities, such as additional parent-teacher conferences and/or recess. The Department believes this flexibility will allow districts to make local determinations, within their communities, about the length of lunch, the inclusion and length of recess time, and/or parent conferences in the school calendar.

The proposed amendment is only a minimum. Therefore, the Department also recommends adding a provision to the regulations to make it clear that nothing in the proposed regulation should be construed as precluding school districts and BOCES from lengthening the school day and/or school year beyond the annual minimum instructional requirement. Extensions may include both instructional and non-instructional activities including but not limited to homeroom periods, lunch, recess, staff development activities, parent-teacher conferences, or any other purpose the school district or BOCES has determined is necessary for the development of the whole child and/or to improve student achievement.

“Shortened Session” Days for Staff Development and Parent-Teacher Conferences

Currently, in addition to the four statutory Superintendent’s Conference days, districts also have the option of utilizing “shortened session” days for staff development or parent-teacher conferences, if the instructional time in their daily calendars sufficiently exceeds the minimum that a full weeks’ worth of hours are provided in less than five full days. Since shortened session days will no longer be needed under the proposed amendment, the restrictions on this allowance will be eliminated. Districts that currently offer shortened sessions and employ more than the current daily minimum instructional hours will be able to schedule such conferences and activities as they see fit, within the 180-day calendar, so long as they meet the annual total minimum hours of instruction. This will provide greater flexibility to hold conferences and activities in any block of time as the district sees fit and at any point during the year—including within the same week, or a week with a holiday.

Snow Days and Vacation Breaks

Based on feedback from the Advisory Committee, the Department also recommends pursuing legislative changes to provide additional flexibility for districts in cases where a state or local emergency requires closure for weather or public safety reasons that are beyond the control of the school superintendent. The Department also recommends pursuing legislative changes to allow districts, at their local discretion, to schedule session days outside of the traditional Labor Day through Rating Day time period, as well as legislation to make the penalty for failing to meet the 180-day requirement more fair and equitable.

New guidance resulting from these regulatory changes will recommend that districts work with their calendar committees and communities to review their scheduled breaks and snow day assumptions, knowing that snow day contingencies are best incorporated into the calendar. In the event that such days are not fully utilized, districts will be able to provide additional days-off or additional instructional days toward the end of the school year at their local discretion.

Proposed Regulation

The Department proposes an amendment to the regulation to eliminate the current daily minimum instructional hour requirement and replace it with an aggregate yearly requirement, as explained above (i.e., 900/990 hours over 180 days for full-day kindergarten through grade six and grades seven through twelve, respectively), to provide school districts additional flexibility when establishing their school calendars. The proposed amendment also seeks to provide clarity around existing procedures relating to the scheduling of examinations, superintendent conference days, and extraordinary weather conditions. This revision will provide school districts with maximum flexibility in providing instructional time for their students.

3. PROFESSIONAL SERVICES:

The proposed rule does not impose any additional professional services requirements on local governments.

4. COMPLIANCE COSTS:

The proposed amendment does not impose any costs on school districts or BOCES.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed amendment does not impose any new technological requirements on school districts or BOCES. Economic feasibility is addressed in the Costs section above.

6. MINIMIZING ADVERSE IMPACT:

The proposed provides significant flexibility to school districts and BOCES across the State relating to the requirement that they provide 180 days of instruction for State aid purposes.

7. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory

district in the State, from the chief school officers of the five big city school districts and boards of cooperative educational services.

¹ Education Law § 1704(2) and § 3604(7); Charter schools are also required to have a minimum of 180 days of instruction but may have additional days of instruction pursuant to their charter, and are not included in this State Aid discussion as charter schools are paid through a charter school tuition formula and not State aid Full Time Equivalents.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

This proposed amendment applies to all New York State school districts and BOCES who wish to claim State aid commencing in the 2018-2019 school year, including those in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

2. REPORTING, RECORDKEEPING, AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

Education Law § 3604 requires that school districts to be in session for 180 days¹, or risk losing State Aid. Under Part 175 of the Commissioner’s regulations, school districts and BOCES must provide a minimum number of instructional hours per day to meet this requirement. Minimum instructional hours per day are based on grade level (two and one-half hours for half-day kindergarten, five hours for full-day kindergarten through grade six, and five and one-half hours for grades seven through twelve). This minimum daily requirement, when multiplied over the statutorily required 180 school days of instruction, means that over the course of a school year, school districts and BOCES are required to provide a minimum of 900 hours of instruction for full-day kindergarten through grade six and 990 hours of instruction for grades seven through twelve.

Education Law § 3604 and Part 175 of the Commissioner’s regulations also address exceptions and special provisions pertaining to Superintendents’ Conferences, staff development days, parent-teacher conferences, and extraordinary weather conditions:

- No sessions may be held on legal holidays (except for Election Day, and both Washington’s and Lincoln’s Birthday) or on Saturdays. (Education Law § 3604(8))

- Up to five days may be waived for weather/safety concerns only if there are no remaining scheduled vacation days between the event and the end of the Regents exam period. (Education Law § 3604(7))

- Up to four deficiencies of student time can be forgiven if used for Superintendent’s Conferences, provided that two such days are for “staff development activities relating to implementation of the new high learning standards and assessments,” and up to two days may be used at the end of August. (Education Law § 3604(8))

Competing Tensions in Calendar Development

Through the Advisory Committee process and the regional meetings held across the state, it became apparent that there are multiple factors that are considered in the development of a school district calendar, and that many of these factors are in conflict with one another.

These factors could be organized into three simple categories:

- The amount of instructional time provided to the student;
- The number of calendar days within which districts may schedule session; and
- The number of holidays districts observe and student/teacher vacation periods they schedule.

The factors, as a result of a fixed calendar, necessarily have tensions built in among them. If a district favors more time for one of these factors, mathematically there is less time for the others.

Feedback from the Advisory Committee

In light of the existing rules and competing tensions, the following key issues were highlighted by school districts and stakeholders through the Advisory Committee process:

- Flexibility: Districts have wide-ranging calendar needs, including differences in holiday observances, vacation practices, professional development practices, and parent-teacher conferences. The 180-day rules should allow districts to meet their individual challenges to the best of their own local ability, including considering session days outside of the typical Labor Day through Rating Day period.

- Clarity: The current regulations and guidance are confusing and antiquated. Updating these documents with clear language and providing examples and model calendars will assist districts in designing their calendars consistent with the rules.

- Snow Days/Emergencies: Often, during adverse weather or other conditions, school district officials may be prohibited by other municipal and state officials from holding school in session, and it is at times unfair to force districts to make up those days.

- Collective Bargaining Agreements (CBAs): Some of the current allowances and limitations in local school district calendars may be included

within local teacher contracts. Some contracts may need to be revisited to ensure compliance with the proposed amendment.

- **Recess:** Lastly, the Advisory Committee gathered feedback about the issue of recess in the development of school scheduling to support students. District officials noted that, based on their past interpretations, the changes to the regulations could impact recess at schools.

Proposed Regulation and Statute Changes

In an effort to address the concerns from the field, the purpose of the proposed amendment is to provide districts with more flexibility in establishing their school calendars, while maintaining the current minimum amount of instructional time. For instance, rather than require a daily minimum amount of instructional time, the proposed amendment requires the following hourly requirements for the entire school year, spread out over 180 days:

- For pupils in half-day kindergarten, a minimum of 450 instructional hours.
- For pupils in full-day kindergarten and grades one through six, a minimum of 900 instructional hours.
- For pupils in grades seven through twelve, a minimum of 990 instructional hours.

The additional flexibility afforded to districts under this proposed regulation will provide districts with greater opportunities in a number of areas. First, they will be able to hold half-day sessions, especially around holidays, that will count toward the minimum requirement. Second, it will provide them with more opportunities for integrating professional development activities into their calendar without adversely impacting instructional time for students. Third, it will also free up time throughout the school year that can be used for other activities, such as additional parent-teacher conferences and/or recess. The Department believes this flexibility will allow districts to make local determinations, within their communities, about the length of lunch, the inclusion and length of recess time, and/or parent conferences in the school calendar. The proposed amendment is only a minimum. Therefore, the Department also recommends adding a provision to the regulations to make it clear that nothing in the proposed regulation should be construed as precluding school districts and BOCES from lengthening the school day and/or school year beyond the annual minimum instructional requirement. Extensions may include both instructional and non-instructional activities including but not limited to homeroom periods, lunch, recess, staff development activities, parent-teacher conferences, or any other purpose the school district or BOCES has determined is necessary for the development of the whole child and/or to improve student achievement.

“Shortened Session” Days for Staff Development and Parent-Teacher Conferences

Currently, in addition to the four statutory Superintendent’s Conference days, districts also have the option of utilizing “shortened session” days for staff development or parent-teacher conferences, if the instructional time in their daily calendars sufficiently exceeds the minimum that a full weeks’ worth of hours are provided in less than five full days. Since shortened session days will no longer be needed under the proposed amendment, the restrictions on this allowance will be eliminated. Districts that currently offer shortened sessions and employ more than the current daily minimum instructional hours will be able to schedule such conferences and activities as they see fit, within the 180-day calendar, so long as they meet the annual total minimum hours of instruction. This will provide greater flexibility to hold conferences and activities in any block of time as the district sees fit and at any point during the year—including within the same week, or a week with a holiday.

Snow Days and Vacation Breaks

Based on feedback from the Advisory Committee, the Department also recommends pursuing legislative changes to provide additional flexibility for districts in cases where a state or local emergency requires closure for weather or public safety reasons that are beyond the control of the school superintendent. The Department also recommends pursuing legislative changes to allow districts, at their local discretion, to schedule session days outside of the traditional Labor Day through Rating Day time period, as well as legislation to make the penalty for failing to meet the 180-day requirement more fair and equitable.

New guidance resulting from these regulatory changes will recommend that districts work with their calendar committees and communities to review their scheduled breaks and snow day assumptions, knowing that snow day contingencies are best incorporated into the calendar. In the event that such days are not fully utilized, districts will be able to provide additional days-off or additional instructional days toward the end of the school year at their local discretion.

Proposed Regulation

The Department proposes an amendment to the regulation to eliminate the current daily minimum instructional hour requirement and replace it with an aggregate yearly requirement, as explained above (i.e., 900/990 hours over 180 days for full-day kindergarten through grade six and grades

seven through twelve, respectively), to provide school districts additional flexibility when establishing their school calendars. The proposed amendment also seeks to provide clarity around existing procedures relating to the scheduling of examinations, superintendent conference days, and extraordinary weather conditions. This revision will provide school districts with maximum flexibility in providing instructional time for their students.

3. PROFESSIONAL SERVICES

No professional services are needed to comply.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment provides significant flexibility to school districts and BOCES, including those located in rural areas of the State, while still meeting the 180-day requirement in statute.

5. RURAL AREA PARTICIPATION:

Copies of the proposed amendments have been provided to Rural Advisory Committee for review and comment.

¹ Education Law § 1704(2) and § 3604(7); Charter schools are also required to have a minimum of 180 days of instruction but may have additional days of instruction pursuant to their charter, and are not included in this State Aid discussion as charter schools are paid through a charter school tuition formula and not State aid Full Time Equivalents.

Job Impact Statement

The purpose of the proposed amendment to section 175.5 of the Commissioner’s regulations is to provide flexibility to school districts and BOCES on the instructional requirement related to the 180 days of instruction required for State aid purposes.

Because it is evident from the nature of the proposed amendments that they will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken.

Department of Health

NOTICE OF ADOPTION

Residential Health Care Facility Quality Pool

I.D. No. HLT-41-16-00002-A

Filing No. 1113

Filing Date: 2017-12-13

Effective Date: 2018-01-03

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

Action taken: Addition of section 86-2.42 to Title 10 NYCRR.

Statutory authority: Public Health Law, section 2808(2-c)(d)

Subject: Residential Health Care Facility Quality Pool.

Purpose: To reward NYS facilities with the highest quality outcomes as determined by methodology developed by regulation.

Text or summary was published in the October 12, 2016 issue of the Register, I.D. No. HLT-41-16-00002-P.

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

Revised rule making(s) were previously published in the State Register on August 23, 2017.

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of House Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqa@health.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 2022, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The Department of Health (the “Department”) received comments from nursing home associations, healthcare providers, and other members of the public on the proposed rulemaking. The comments are summarized below with the Department’s responses.

COMMENT: A commenter stated that the revised regulations should remove the text “or as determined by the Commissioner” when stating the amount of the Nursing Home Quality Pool (NHQP), and that any amount other than \$50 million should warrant new proposed regulations.

RESPONSE: No changes to the revised regulations were made in response to this comment. In the event that the total dollar amount of the NHQP is changed, the Department is not required to propose new regulations. The 2010-2011 NYS Executive Budget, Health and Mental Hygiene Article VII Legislation, authorized the Department to create a nursing home quality pool in the amount of up to \$50 million for the state fiscal year beginning April 1, 2010, and within amounts appropriated for each state fiscal year thereafter.

COMMENT: A commenter stated that the NHQP workgroup should be specifically referenced in the revised regulations.

RESPONSE: No changes to the revised regulations were made in response to this comment. The methodology included in the regulations was developed with input and guidance from the workgroup. However, the Department is not required to consult with the workgroup regarding the methodology specific to each year. The Department values the input provided by the workgroup and will continue to hold workgroup meetings regarding the NHQP.

COMMENT: A commenter stated that the revised regulations should specifically reference the regional adjustment to the five-star quality rating for health inspections.

RESPONSE: No changes to the revised regulations were made in response to this comment. The regulations should not specifically reference the regional adjustment to the five-star quality rating for health inspections because the adjustment may or may not be needed in future years. Beginning with the 2014 Nursing Home Quality Initiative (NHQI), the Department has applied a regional adjustment to the five-star quality rating for health inspections because two different health inspection survey tools are used in New York State. On November 28, 2017, the Centers for Medicare and Medicaid Services implemented a new survey tool across the country. Once this becomes the sole survey tool across New York State, the Department will perform analyses to determine if the regional adjustment is still necessary.

COMMENT: A commenter stated that the Informal Dispute Resolution Process (IDR) surrounding immediate jeopardy citations during the health inspection survey should be referenced in the revised regulations.

RESPONSE: No changes to the revised regulations were made in response to this comment. Per the NHQI methodology, health inspection deficiency and citation data reflects the time period of July 1 of the measurement year through June 30 of the reporting year, and is extracted on October 1 of the reporting year. There are three months between June 30 of the reporting year and the date of the extraction to allow for IDRs to be resolved.

COMMENT: A commenter stated that the Regulatory Impact Statement should be modified to account for the costs associated with the program. The commenter stated that facilities will incur costs when the NHQP Medicaid rate adjustments take effect.

RESPONSE: No changes to the revised regulations were made in response to this comment. According to the State Administrative Procedure Act (SAPA), the Regulatory Impact Statement should discuss the costs of implementation and continuing compliance to regulated parties. The NHQP does not require any additional implementation or compliance costs to facilities. All data used in the NHQP comes from existing data sources. The proposed regulations do not put forth any implementation or compliance requirements that do not already exist outside of the NHQP. The Medicaid rate adjustments that result from the NHQP are not associated with the implementation and compliance costs defined by SAPA.

COMMENT: A commenter stated that the NHQP should not be budget-neutral, and the funds should instead come from supplemental appropriations.

RESPONSE: No changes to the revised regulations were made in response to this comment. Currently, there are no supplemental funds available for the NHQP. The 2010-2011 NYS Executive Budget, Health and Mental Hygiene Article VII Legislation does specify how the NHQP should be funded, and the Department has the authority to adjust Medicaid reimbursement rates to satisfy the budget-neutral aspect of the NHQP.

COMMENT: A commenter stated that all NHQI measures should be endorsed by a recognized entity such as the National Quality Forum.

RESPONSE: No changes to the revised regulations were made in response to this comment. Fourteen of the eighteen total measures used in the most recent NHQI are nationally-vetted quality measures developed by the Centers for Medicare and Medicaid Services (CMS), of which 11 are endorsed by the National Quality Forum. Two additional quality measures were developed with input and guidance from the workgroup. The remaining two measures are compliance measures that nursing facilities are required to meet under New York State Public Health Law, and the Codes, Rules, and Regulations of New York State.

COMMENT: A commenter stated that the revised regulations are improperly retroactive.

RESPONSE: No changes to the revised regulations were made in response to this comment. The Department has the authority to retroactively

adjust Medicaid reimbursement rates. Additionally, New York State Public Health Law 2808(2-c)(d) authorizes the Department to promulgate regulations for quality improvement purposes (i.e. the NHQP) for periods on or after January 1, 2013.

COMMENT: A commenter stated that the revised regulations embody an unauthorized tax.

RESPONSE: No changes to the revised regulations were made in response to this comment. The regulations do not embody an unauthorized tax. The NHQP is budget-neutral. The adjustments to the Medicaid reimbursement rates do not meet the essential feature of a tax because they do not produce at least some revenue for the government.

COMMENT: A commenter stated that the revised regulations should include the specific measures used to evaluate facility performance.

RESPONSE: No changes to the revised regulations were made in response to this comment. In any quality improvement program, performance on some measures will reach maximum improvement levels and those measures will be removed and replaced with other measures that have room for improvement. Additionally, risk adjustment of specific measures may change from year to year as the nursing home resident case-mix changes. Issuing revised regulations each time these changes occur is not feasible. The measures used in the NHQI were developed and agreed upon in a partnership between the Department and the workgroup, which consists of representatives from LeadingAge New York, New York State Health Facilities Association (NYSHFA), Greater New York Hospital Association (GNYHA)/Continuing Care Leadership Coalition (CCLC), The Healthcare Association of New York State (HANY), as well as nursing home patient advocates. The Department has continued and will continue to communicate with the workgroup ahead of each NHQI to discuss measure removals and additions, modifications, and measure development.

COMMENT: A commenter stated that the structure of the NHQP is logically unsound because it takes funds away from poor-performing facilities and awards those funds to high-performing facilities. The commenter stated that facilities with lower Medicaid reimbursement rates will perform poorly in the NHQP.

RESPONSE: No changes to the revised regulations were made in response to these comments. Funding of the NHQP is achieved through an across-the-board Medicaid rate reduction for all Medicaid-funded nursing facilities in the State, regardless of performance in the NHQP. Analysis of Medicaid reimbursement rates compared to the quintile performance of facilities in the NHQP has shown that each quintile contains facilities spanning the high and low ends of Medicaid reimbursement rates. There are facilities with low Medicaid reimbursement rates in Quintile 1, which is the highest-performing quintile, and there are facilities with high Medicaid reimbursement rates in Quintile 5, which is the poorest-performing quintile.

NOTICE OF ADOPTION

Children's Behavioral Health and Health Services

I.D. No. HLT-28-17-00001-A

Filing No. 1115

Filing Date: 2017-12-15

Effective Date: 2018-01-03

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

Action taken: Addition of section 505.38 to Title 18 NYCRR.

Statutory authority: Public Health Law, section 201; Social Services Law, sections 363-a and 365-a

Subject: Children's Behavioral Health and Health Services.

Purpose: To authorize Medicaid coverage of new behavioral health and health services for children under 21 years of age.

Text or summary was published in the July 12, 2017 issue of the Register, I.D. No. HLT-28-17-00001-P.

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

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

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The New York State Department of Health (the Department) received two letters during the public comment period regarding the proposed regulation.

One letter was from the New York Mental Health Counselors Association, an advocacy organization representing clinical counselors, that recommended the adoption of the regulation as proposed. It supported the inclusion of clinical mental health counselors as non-licensed behavioral health practitioners as a means to address increased demands for behavioral health services for children and youth under the age of 21 across New York State, and specifically in rural areas where shortages may exist.

The other letter was from the Hillside Family of Agencies, a non-profit family and youth human services organization, that posed specific questions and asked for clarification related to the implementation of the proposed regulation, as described below.

Comment:

It was recommended that the Department create guidelines on the medical necessity criteria to be used for the new behavioral health and health services and share those guidelines with providers.

Response:

The Department is creating guidelines for the development of medical necessity criteria for these services and it will share these guidelines with providers. No changes were made to the proposed regulation in response to this comment.

Comment:

For those behavioral health and health services that are currently available through Medicaid waiver programs, the commenter asked whether the fee schedule would be the same as under the waiver program. If the fee schedule would be determined by individual MCOs, the commenter asked if the Department would consider setting a minimum floor on reimbursement.

Response:

Pursuant to the terms of the Department's approved State Plan Amendment for behavioral health and health services for children and youth under 21 years of age, mainstream Medicaid managed care plans and HIV Special Needs Plans (SNPs) will be required to pay 100% of the Medicaid fee for service rates for a 24-month period beginning July 1, 2018. No changes were made to the proposed regulation in response to this comment.

Comment:

The commenter asked if the Department would explain how it calculated the amount of Medicaid savings it projects will result from the availability of the new behavioral health and health services, due to a reduced need for emergency room visits and inpatient hospitalizations, to assist the commenter in structuring future value based payment (VBP) arrangements.

Response:

The Department's fiscal projections include a combination of offsets for a shift in existing spending on similar services and projected savings for reduced emergency room and inpatient utilization. The Department will share available information on the benefits of the new services to assist providers in educating the plans and partners in evaluating potential VBP arrangements. No changes were made to the proposed regulation in response to this comment.

Comment:

With regard to a provider of the new behavioral health and health services being assigned a lead State agency (DOH, OASAS, OCFS or OMH), based on the primary population served, location, and indicated line of business on the provider application, the commenter asked how the Department will determine the lead State agency for a multi-licensed provider regulated by a number of State agencies.

Response:

Lead agencies will be determined by the Department, working with its State partners (the Office of Mental Health, the Office of Alcoholism and Substance Abuse Services, and the Office of Children and Family Services), by assessing the largest population being served by the provider and the services the provider is intending to offer. Lead State agencies will provide each provider with a point of contact that will respond to designation questions/comments and provide support through the process. Providers will still need to adhere to all quality measures, standards, reporting and oversight required by any State agency that has licensed/certified, designated or credentialed the provider. No changes were made to the proposed regulation in response to this comment.

Niagara Falls Water Board

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Adoption of Rates, Fees, and Charges

I.D. No. NFW-01-18-00004-EP

Filing No. 1121

Filing Date: 2017-12-18

Effective Date: 2017-12-18

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

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

Statutory authority: Public Authorities Law, section 1230-j

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

Specific reasons underlying the finding of necessity: The Board recently considered estimates for its expenses and revenues for fiscal year 2018 commencing on January 1, 2018 and ending on December 31, 2018. As part of this consideration, the Board recognized an increase in expenses of operations and a projection of revenues from its existing rate payers in the City of Niagara Falls and related service area. In addition, the Board considered its debt service and its covenants with its bondholders with respect to bonds that were issued as of the acquisition date. In order to maintain the Board on a sound financial status with sufficient resources to provide necessary water and wastewater services to all persons who use the System, the Board adopted an increase in the schedule of rates, fees and charges.

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 of emergency/proposed rule: Section 1950.20. Schedule of rates, fees and charges.

(a) This schedule sets forth the rates, fees and other charges applicable to the provision of water supply, wastewater and related services by the Niagara Falls Water Board to all property owners, users and other persons as of January 1, [2017] 2018. All property owners, users and other persons who receive services from the water board shall pay to the water board the rates, fees and charges set forth in this schedule.

(b) The following rates shall be charged and collected for the use of water within the city, supplied by the water board as hereby fixed and established:

First 20,000 cu. ft. per quarter, [\$3.27] \$3.35 per 100 cu. ft.

Next succeeding 60,000 cu. ft. per quarter, [\$2.83] \$2.90 per 100 cu. ft.

Next succeeding 120,000 cu. ft. per quarter, [\$2.40] \$2.46 per 100 cu. ft.

Over 200,000 cu. ft. per quarter, [\$1.99] \$2.04 per 100 cu. ft.

The minimum charge for water consumed in any premises within the city for any quarter or portion thereof shall not be less than [\$42.51] \$43.53.

(c) The following rates shall be charged and collected for the use of water outside the city for residential and commercial purposes supplied by the water board as hereby fixed and established:

First 20,000 cu. ft. per quarter, [\$8.74] \$8.95 per 100 cu. ft.

Next 60,000 cu. ft. per quarter, [\$7.63] \$7.81 per 100 cu. ft.

Next succeeding 120,000 cu. ft. per quarter, [\$6.36] \$6.51 per 100 cu. ft.

Over 200,000 cu. ft. per quarter, [\$5.35] \$5.48 per 100 cu. ft.

The minimum charge for water consumed in any premises located outside the city for domestic purposes for any quarter or portion thereof shall not be less than [\$113.62] \$116.35.

(d) Water used for testing fire hoses, filling tanks, swimming pools, testing sprinkler systems, and like use shall be billed at the highest residential unit rate enumerated in subdivision (b) of this section. The amount used may be either estimated in accordance with the size of the pipe through which taken at the pressure furnished, or determined by the use of a temporary meter rented to the user by the water board. The use of the latter method shall be at the discretion of the director and may require a refundable deposit.

(e) Use of hydrant for any purpose whatsoever shall be subject to a rental charge of \$1.50 per day or partial day.

(f) The cost of hydrant use will include a fee of \$35.00 for backflow device certification, payable at the time of hydrant use application. In addition, daily hydrant and meter rental rates and security deposit amounts shall be established by the director based upon the real cost to the water board.

(g) In addition to the above schedule rates for water consumed there shall be assessed a demand charge for each user's meter as set forth below.

Size and Type	Charge Per quarter
Under 1" Disc	\$3.70
1" Disc	\$25.00
1½" Disc	\$30.00
2" Disc	\$40.00
2" Compound	\$40.00
3" Compound	\$50.00
4" Compound	\$100.00
6" Compound	\$220.00
8" Compound	\$250.00
10" Compound	\$275.00
12" Compound	\$400.00

(h) The rates set forth in this section, however, shall not apply to any user of water with whom there is now outstanding a valid and binding contract with the city and/or water board to supply water at a rate different than the rates stated in this schedule, or to users obtaining water service from the Village of LaSalle prior to May 4, 1927.

(i) In the event the water board or the director terminates water supply service to any property owner or user, such property owner, user or users located at such property shall pay a reactivation fee in the amount of \$75.00 to the water board prior to the supply of water.

(j) There shall be small meter testing charge of \$100.00 for the bench testing of any meter less than two inches in size.

(k) An account reactivation charge of \$100.00 shall be applied whenever a meter is re-installed and an account reactivated.

(l) The water board shall charge a \$25.00 final read fee for all owner requested meter reads.

(m) A hydrant flow test charge shall be applied whenever an owner, user or his agent requests a hydrant flow test.

(n) The annual availability charge for private fire protection service shall be:

Diameter of Service Connection	Annual Fee
2" or less	\$66.00
3"	\$95.00
4"	\$168.00
6"	\$380.00
8"	\$670.00
10"	\$1,050.00
12"	\$1,510.00

(o) A backflow submittal fee of \$25.00 shall be charged for all backflow plans submitted to the water board for approval and forwarding to the State Health Department.

(p) There shall be a \$120.00 inspection fee for each request for a cross-connection inspection.

(q) In addition to the above rates, fees and charges, the following rates shall apply to all users with respect to sewer or wastewater services prescribed in the water board's wastewater regulations in Part 1960 of this Title. There shall be two user classes as provided in Part 1960 of this title, to wit: commercial/small industrial/residential users (CSIRU) and significant industrial users (SIU).

(1) CSIRU. Sewer rates for the CSIRU class are determined by total metered water consumption in each quarter. The schedule of quarterly charges for the CSIRU class shall be as follows:

SCHEDULE I

Minimum charge per quarter: [\$56.29] \$57.64 with a usage allowance of up to 1,300 cubic feet

Additional usage in excess of 1,300: [\$4.33] \$4.43 per 100 cubic feet

The following rates shall be charged and collected for the use of sewer outside the city for residential and commercial purposes as determined by total metered water consumption per quarter. The schedule of quarterly charges for the users outside the city shall be as follows:

Minimum charge per quarter: [\$150.80] \$154.42 with a usage allowance of up to 1,300 cubic feet

Additional usage in excess of 1,300: [\$11.60] \$11.87 per 100 cubic feet
(2) SIU.

(i) Conventional pollutant parameter charges. Sewer rates for the SIU class each quarter are based on measured quantities of the actual discharge parameters: flow, suspended solids and soluble organic carbon. Such determination shall be made by the water board and shall be based upon five representative 24-hour composite samples taken quarterly, at such locations as are adequate to provide proper representation. The schedule of charges for conventional pollutant parameters shall be as follows:

SCHEDULE II

Pollutant Parameters	Rate
Flow	[\$3,044.49] \$3,117.56 per million gallons
Suspended Solids	[\$0.98] \$1.00 per pound
Soluble Organic Carbon	[\$1.69] \$1.73 per pound

(ii) Substances of concern parameter charges. SIU's, who have wastewater discharge permits which limit any substance of concern listed in Schedule III contained in this subparagraph, will be billed for discharge of these substances based on the unit rates shown in Schedule III. Discharge loading for billing purposes shall be determined by arithmetic average of the last six acceptable self-monitoring results. At the option of the SIU, increased self-monitoring can be performed. For billing purposes, when six or more acceptable results are obtained over the three month billing period, all such results shall be used in the computation of the arithmetic average, with a requirement that there be at least two sample results for each month. Average discharge loadings will then be multiplied by the corresponding unit rates from Schedule III to obtain total charges per quarter for each substance of concern listed in the SIU's wastewater discharge permit. All substances of concern charges will be added to the charges for conventional parameters, as specified in subparagraph (i) of this paragraph, to compute the total quarterly sewer rate.

SCHEDULE III

SUBSTANCES OF CONCERN UNIT CHARGES

Parameters	Unit Rate
Benzene	[\$335.98] \$344.04 per pound
Chloroform	[\$59.82] \$61.26 per pound
Dichloroethylenes	[\$365.56] \$374.33 per pound
Toluene	[\$16.20] \$16.59 per pound
Trichloroethanes	[\$75.97] \$77.79 per pound
Trichloroethylene	[\$96.97] \$99.28 per pound
Vinyl Chloride	[\$48.54] \$49.70 per pound
Monochlorotoluenes	[\$3.28] \$3.36 per pound
Tetrachloroethylene	[\$45.26] \$46.35 per pound
Total Phenols	[\$7.39] \$7.57 per pound

(iii) Billing. SIU charges shall be billed on a monthly basis by the water board. The first and second monthly billings in each quarter shall be estimated and shall be one-third of the total billing in the immediately preceding quarter. The third monthly bill in each quarter shall be based upon actual discharge quantities for that quarter and shall reflect adjustments for the estimated billings in that quarter.

(r) Unless the context specifically indicates otherwise, all terms contained herein shall have the meanings set forth in the regulations adopted by the water board in this Part and Part 1960 of this Title, as applicable.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire March 17, 2018.

Text of rule and any required statements and analyses may be obtained from: Sean W. Costello, Esq., Niagara Falls Water Board, 1600 Liberty Building, Buffalo, New York 14202, (716) 854-3400, email: costello@ruppbaase.com

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 amended rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Public Service Commission

NOTICE OF ADOPTION

Allocation of Property Tax Refund

I.D. No. PSC-22-16-00013-A

Filing Date: 2017-12-15

Effective Date: 2017-12-15

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

Action taken: On 12/14/17, the PSC adopted the terms of a joint proposal executed by Orange and Rockland Utilities, Inc. (O&R) and New York State Department of Public Service Staff (Staff) and denied O&R's petition regarding allocation of property tax refunds.

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

Subject: Allocation of property tax refund.

Purpose: To adopt the terms of a joint proposal on allocation of property tax refunds and deny O&R's petition.

Substance of final rule: The Commission, on December 14, 2017, adopted the terms of a joint proposal executed by Orange and Rockland Utilities, Inc. (O&R) and New York State Department of Public Service Staff (Staff) that establishes the allocation between O&R and its ratepayers of a property tax refund in the amount of \$200,465 that O&R obtained as a result of a settlement agreement between O&R and the City of Middletown and denied O&R's petition seeking approval of a proposed allocation of tax refunds and future tax savings. O&R may deduct \$4,670 in legal and other expenses from the total property tax refund amount of \$200,465 and may retain \$27,411, representing 14 percent of the total net refund remaining after deduction of \$4,670 in legal and other expenses. O&R is also directed to defer for the benefit of gas service customers (a) \$168,384, representing 86 percent of total net refund remaining after deduction of \$4,670 in legal and other expenses; and (b) interest accrued on item (a) above, calculated using the Other Customer Provided Capital Rate, until item (a) above has been refunded to gas service customers, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(16-M-0231SA1)

NOTICE OF ADOPTION

Establishment of CCA Data Fees

I.D. No. PSC-34-16-00005-A

Filing Date: 2017-12-14

Effective Date: 2017-12-14

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

Action taken: On 12/14/17, the PSC adopted an order directing New York State Electric and Gas Corporation (NYSEG) to file tariff amendments to P.S.C. No. 120—Electricity and P.S.C. No. 88—Gas, implementing Community Choice Aggregation (CCA) data fees.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(2) and (12)

Subject: Establishment of CCA data fees.

Purpose: To direct NYSEG to file tariff amendments implementing CCA data fees.

Substance of final rule: The Commission, on December 14, 2017, adopted an order directing New York State Electric and Gas Corporation (NYSEG) to file tariff amendments to P.S.C. No. 120—Electricity and P.S.C. No. 88—Gas, implementing Community Choice Aggregation data fees consistent with the requirements discussed in the body of this Order and Appendix 2, on not less than three days' notice to become effective on January 6, 2018 and cancellation supplements, effective on not less than one day's notice, on or before January 4, 2018, cancelling the tariff amendments and statements listed in Appendix 3. Tariff filings made and approved in other, unrelated cases have affected tariff leaves that were originally filed for approval in this case. Therefore, to avoid any duplication or conflict, NYSEG is directed to file tariff amendments incorporating provisions that were previously approved by the Commission since the tariff amendments listed on Appendix 2 were filed, on not less than three days' notice to become effective on January 6, 2018, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(14-M-0224SA9)

NOTICE OF ADOPTION

Establishment of CCA Data Fees

I.D. No. PSC-34-16-00006-A

Filing Date: 2017-12-14

Effective Date: 2017-12-14

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

Action taken: On 12/14/17, the PSC adopted an order directing National Fuel Gas Distribution Corporation (NFG) to file tariff amendments to P.S.C. No. 8—Gas, implementing Community Choice Aggregation (CCA) data fees.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(2) and (12)

Subject: Establishment of CCA data fees.

Purpose: To direct NFG to file tariff amendments implementing CCA data fees.

Substance of final rule: The Commission, on December 14, 2017, adopted an order directing National Fuel Gas Distribution Corporation (NFG) to file tariff amendments to P.S.C. No. 8—Gas, implementing Community Choice Aggregation data fees consistent with the requirements discussed in the body of this Order and Appendix 2, on not less than three days' notice to become effective on January 6, 2018 and cancellation supplements, effective on not less than one day's notice, on or before January 4, 2018, cancelling the tariff amendments and statements listed in Appendix 3, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(14-M-0224SA8)

NOTICE OF ADOPTION

Establishment of CCA Data Fees

I.D. No. PSC-34-16-00008-A

Filing Date: 2017-12-14

Effective Date: 2017-12-14

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

Action taken: On 12/14/17, the PSC adopted an order directing Orange and Rockland Utilities, Inc. (O&R) to file tariff amendments to P.S.C. No. 3—Electricity and P.S.C. No. 4—Gas, implementing Community Choice Aggregation (CCA) data fees.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(2) and (12)

Subject: Establishment of CCA data fees.

Purpose: To direct O&R to file tariff amendments implementing CCA data fees.

Substance of final rule: The Commission, on December 14, 2017, adopted an order directing Orange and Rockland Utilities, Inc. (O&R) to file tariff amendments to P.S.C. No. 3 – Electricity and P.S.C. No. 4 – Gas, implementing Community Choice Aggregation data fees consistent with the requirements discussed in the body of this Order and Appendix 2, on not less than three days' notice to become effective on January 6, 2018 and cancellation supplements, effective on not less than one day's notice, on or before January 4, 2018, cancelling the tariff amendments and statements listed in Appendix 3. Tariff filings made and approved in other, unrelated cases have affected tariff leaves that were originally filed for approval in this case. Therefore, to avoid any duplication or conflict, O&R is directed to file tariff amendments incorporating provisions that were previously approved by the Commission since the tariff amendments listed on Appendix 2 were filed, on not less than three days' notice to become effective on January 6, 2018, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(14-M-0224SA11)

NOTICE OF ADOPTION

Establishment of CCA Data Fees

I.D. No. PSC-34-16-00009-A

Filing Date: 2017-12-14

Effective Date: 2017-12-14

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

Action taken: On 12/14/17, the PSC adopted an order directing Rochester Gas and Electric Corporation (RG&E) to file tariff amendments to P.S.C. No. 19—Electricity and P.S.C. No. 16—Gas, implementing Community Choice Aggregation (CCA) data fees.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(2) and (12)

Subject: Establishment of CCA data fees.

Purpose: To direct RG&E to file tariff amendments implementing CCA data fees.

Substance of final rule: The Commission, on December 14, 2017, adopted an order directing Rochester Gas and Electric Corporation (RG&E) to file tariff amendments to P.S.C. No. 19 – Electricity and P.S.C. No. 16 – Gas, implementing Community Choice Aggregation data fees consistent with the requirements discussed in the body of this Order and Appendix 2, on not less than three days' notice to become effective on January 6, 2018 and cancellation supplements, effective on not less than one day's notice, on or before January 4, 2018, cancelling the tariff amendments and statements listed in Appendix 3. Tariff filings made and approved in other, unrelated cases have affected tariff leaves that were originally filed for approval in

this case. Therefore, to avoid any duplication or conflict, RG&E is directed to file tariff amendments incorporating provisions that were previously approved by the Commission since the tariff amendments listed on Appendix 2 were filed, on not less than three days' notice to become effective on January 6, 2018, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(14-M-0224SA12)

NOTICE OF ADOPTION

Establishment of CCA Data Fees

I.D. No. PSC-34-16-00010-A

Filing Date: 2017-12-14

Effective Date: 2017-12-14

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

Action taken: On 12/14/17, the PSC adopted an order directing KeySpan Gas East d/b/a Brooklyn Union of L.I. (KEDLI) to file tariff amendments to P.S.C. No. 1—Gas, implementing Community Choice Aggregation (CCA) data fees.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(2) and (12)

Subject: Establishment of CCA data fees.

Purpose: To direct KEDLI to file tariff amendments implementing CCA data fees.

Substance of final rule: The Commission, on December 14, 2017, adopted an order directing KeySpan Gas East d/b/a Brooklyn Union of L.I. (KEDLI) to file tariff amendments to P.S.C. No. 1 – Gas, implementing Community Choice Aggregation data fees consistent with the requirements discussed in the body of this Order and Appendix 2, on not less than three days' notice to become effective on January 6, 2018 and cancellation supplements, effective on not less than one day's notice, on or before January 4, 2018, cancelling the tariff amendments and statements listed in Appendix 3, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(14-M-0224SA7)

NOTICE OF ADOPTION

Establishment of CCA Data Fees

I.D. No. PSC-34-16-00011-A

Filing Date: 2017-12-14

Effective Date: 2017-12-14

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

Action taken: On 12/14/17, the PSC adopted an order directing Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) to file tariff amendments to P.S.C. No. 220—Electricity and No. 219—Gas, implementing Community Choice Aggregation (CCA) data fees.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(2) and (12)

Subject: Establishment of CCA data fees.

Purpose: To direct National Grid to file tariff amendments implementing CCA data fees.

Substance of final rule: The Commission, on December 14, 2017, adopted an order directing Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) to file tariff amendments to P.S.C. No. 220 – Electricity and P.S.C. No. 219 – Gas, implementing Community Choice Aggregation data fees consistent with the requirements discussed in the body of this Order and Appendix 2, on not less than three days' notice to become effective on January 6, 2018 and cancellation supplements, effective on not less than one day's notice, on or before January 4, 2018, cancelling the tariff amendments and statements listed in Appendix 3, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(14-M-0224SA10)

NOTICE OF ADOPTION

Establishment of CCA Data Fees

I.D. No. PSC-34-16-00012-A

Filing Date: 2017-12-14

Effective Date: 2017-12-14

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

Action taken: On 12/14/17, the PSC adopted an order directing Consolidated Edison Company of New York, Inc. (Con Edison) to file tariff amendments to P.S.C. No. 10—Electricity and P.S.C. No. 9—Gas, implementing Community Choice Aggregation (CCA) data fees.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(2) and (12)

Subject: Establishment of CCA data fees.

Purpose: To direct Con Edison to file tariff amendments implementing CCA data fees.

Substance of final rule: The Commission, on December 14, 2017, adopted an order directing Consolidated Edison Company of New York, Inc. (Con Edison) to file tariff amendments to P.S.C. No. 10 – Electricity and P.S.C. No. 9 – Gas, implementing Community Choice Aggregation data fees consistent with the requirements discussed in the body of this Order and Appendix 2, on not less than three days' notice to become effective on January 6, 2018 and cancellation supplements, effective on not less than one day's notice, on or before January 4, 2018, cancelling the tariff amendments and statements listed in Appendix 3, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(14-M-0224SA6)

NOTICE OF ADOPTION

Establishment of CCA Data Fees

I.D. No. PSC-34-16-00013-A

Filing Date: 2017-12-14

Effective Date: 2017-12-14

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

Action taken: On 12/14/17, the PSC adopted an order directing Central Hudson Gas and Electric Corporation (Central Hudson) to file tariff amendments to P.S.C. No. 15—Electricity and P.S.C. No. 12—Gas, implementing Community Choice Aggregation (CCA) data fees.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(2) and (12)

Subject: Establishment of CCA data fees.

Purpose: To direct Central Hudson to file tariff amendments implementing CCA data fees.

Substance of final rule: The Commission, on December 14, 2017, adopted an order directing Central Hudson Gas and Electric Corporation (Central Hudson) to file tariff amendments to P.S.C. No. 15 – Electricity and P.S.C. No. 12 – Gas, implementing Community Choice Aggregation data fees consistent with the requirements discussed in the body of this Order and Appendix 2, on not less than three days' notice to become effective on January 6, 2018 and cancellation supplements, effective on not less than one day's notice, on or before January 4, 2018, cancelling the tariff amendments and statements listed in Appendix 3. Tariff filings made and approved in other, unrelated cases have affected tariff leaves that were originally filed for approval in this case. Therefore, to avoid any duplication or conflict, Central Hudson is directed to file tariff amendments incorporating provisions that were previously approved by the Commission since the tariff amendments listed on Appendix 2 were filed, on not less than three days' notice to become effective on January 6, 2018, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(14-M-0224SA5)

NOTICE OF ADOPTION

Establishment of CCA Data Fees

I.D. No. PSC-34-16-00015-A

Filing Date: 2017-12-14

Effective Date: 2017-12-14

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

Action taken: On 12/14/17, the PSC adopted an order directing The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY) to file tariff amendments to P.S.C. No. 12—Gas, implementing Community Choice Aggregation (CCA) data fees.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(2) and (12)

Subject: Establishment of CCA data fees.

Purpose: To direct KEDNY to file tariff amendments implementing CCA data fees.

Substance of final rule: The Commission, on December 14, 2017, adopted an order directing The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY) to file tariff amendments to P.S.C. No. 12 – Gas, implementing Community Choice Aggregation data fees consistent with the requirements discussed in the body of this Order and Appendix 2, on not less than three days' notice to become effective on January 6, 2018 and cancellation supplements, effective on not less than one day's notice, on or before January 4, 2018, cancelling the tariff amendments and statements listed in Appendix 3, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(14-M-0224SA13)

NOTICE OF ADOPTION**Electric Metering Equipment****I.D. No.** PSC-40-16-00018-A**Filing Date:** 2017-12-18**Effective Date:** 2017-12-18

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

Action taken: On 12/14/17, the PSC adopted an order approving Itron Inc.'s (Itron) petition to use the Itron OpenWay Riva CENTRON Polyphase (CENTRON) electric meter for electric customer billing in New York State.

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

Subject: Electric metering equipment.

Purpose: To approve Itron's petition to use the CENTRON electric meter for customer billing in New York State.

Substance of final rule: The Commission, on December 14, 2017, adopted an order approving Itron Inc.'s petition to use the Itron OpenWay Riva CENTRON Polyphase electric meter, in meter forms 9S and 16S, for electric customer billing in New York State, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(16-E-0479SA1)

NOTICE OF ADOPTION**Electric Metering Equipment****I.D. No.** PSC-45-16-00008-A**Filing Date:** 2017-12-18**Effective Date:** 2017-12-18

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

Action taken: On 12/14/17, the PSC adopted an order approving Landis+Gyr Inc.'s (L+G) petition to use the L+G S4x Polyphase (L+G S4x) electric meter with Gridstream 5 Radio Frequency Mesh Internet Protocol radio for electric customer billing in New York State.

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

Subject: Electric metering equipment.

Purpose: To approve L+G's petition to use the L+G S4x electric meter for customer billing in New York State.

Substance of final rule: The Commission, on December 14, 2017, adopted an order approving Landis+Gyr Inc.'s (L+G) petition to use the L+G S4x Polyphase electric meter with Gridstream 5 Radio Frequency Mesh Internet Protocol radio for electric customer billing in New York State, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(16-E-0548SA1)

NOTICE OF ADOPTION**Petition for a Waiver of the Prohibition on Service to Low-Income Customers by ESCOs****I.D. No.** PSC-14-17-00016-A**Filing Date:** 2017-12-14**Effective Date:** 2017-12-14

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

Action taken: On 12/14/17, the PSC adopted an order approving Utility Expense Reduction, LLC's (UER) petition for a waiver of the prohibition on service to low-income customers by energy service companies (ESCOs).

Statutory authority: Public Service Law, sections 5(1)(b), 65(1), (2), (3), 66(1), (2), (3), (5) and (8)

Subject: Petition for a waiver of the prohibition on service to low-income customers by ESCOs.

Purpose: To approve UER's petition for a waiver of the prohibition on service to low-income customers by ESCOs.

Substance of final rule: The Commission, on December 14, 2017, adopted an order approving Utility Expense Reduction, LLC's (UER) petition for a waiver of the Order Adopting a Prohibition on Service to Low-Income Customers by Energy Service Companies (ESCO), issued December 16, 2016 (December Order). UER is directed to report to Department of Public Service Staff semi-annually on the status of its compliance with the December 2016 Order as well as the status of its compliance with moving all existing Assistance Program Participant (APP) customers to its new green energy price cap program, within 60 days of the date of this Order, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(12-M-0476SA21)

NOTICE OF ADOPTION**FASB Update on Topic 715****I.D. No.** PSC-28-17-00008-A**Filing Date:** 2017-12-18**Effective Date:** 2017-12-18

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

Action taken: On 12/14/17, the PSC adopted an order approving the Financial Accounting Standards Board's (FASB) Update for Compensation – Retirement Benefits (Topic 715) and directed all utilities to use the FASB update to Topic 715.

Statutory authority: Public Service Law, section 66

Subject: FASB update on Topic 715.

Purpose: To adopt and direct all utilities to use the FASB update to Topic 715.

Substance of final rule: The Commission, on December 14, 2017, adopted an order approving the Financial Accounting Standards Board's (FASB) Update for Compensation – Retirement Benefits (Topic 715). The update changes the accounting and reporting required to be used by companies, for pension and other post-retirement benefits (OPEB) costs under Generally Accepted Accounting Principles (GAAP). All companies or entities regulated by the Commission that have defined-benefit pension plans and/or postemployment benefits (listed in Appendix A) are directed to adopt the FASB Topic 715 Update as it relates to not capitalizing non-service components of pension/OPEB costs, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commis-

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

Assessment of Public Comment

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

(17-M-0363SA1)

NOTICE OF ADOPTION

Audit Implementation Plan

I.D. No. PSC-32-17-00008-A

Filing Date: 2017-12-15

Effective Date: 2017-12-15

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

Action taken: On 12/14/17, the PSC adopted an order directing the National Grid companies (National Grid) to execute its Audit Implementation Plan.

Statutory authority: Public Service Law, sections 65(1), 66(1) and (19)

Subject: Audit Implementation Plan.

Purpose: To direct National Grid to execute its Audit Implementation Plan.

Substance of final rule: The Commission, on December 14, 2017, adopted an order directing the National Grid companies (National Grid); KeySpan Gas East Corporation d/b/a National Grid, Niagara Mohawk Power Corporation d/b/a National Grid and The Brooklyn Union Gas Company d/b/a National Grid NY, to execute its Audit Implementation Plan, as described herein, with the oversight of the Department of Public Service Staff (Staff), and is directed to continue to provide periodic progress reports until Staff confirms that the plans have been fully implemented. National Grid is also directed to provide the deliverables identified in its audit implementation plan to Staff, as described herein, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(13-M-0449SA6)

NOTICE OF ADOPTION

Audit Implementation Plan

I.D. No. PSC-32-17-00010-A

Filing Date: 2017-12-15

Effective Date: 2017-12-15

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

Action taken: On 12/14/17, the PSC adopted an order directing National Fuel Gas Distribution Corporation (NFG) to execute its Audit Implementation Plan.

Statutory authority: Public Service Law, sections 65(1), 66(1) and (19)

Subject: Audit Implementation Plan.

Purpose: To direct NFG to execute its Audit Implementation Plan.

Substance of final rule: The Commission, on December 14, 2017, adopted an order directing National Fuel Gas Distribution Corporation (NFG) to execute its Audit Implementation Plan, as described herein, with the oversight of the Department of Public Service Staff (Staff), and is directed to continue to provide periodic progress reports until Staff confirms that the plans have been fully implemented. NFG is also directed to provide the deliverables identified in its audit implementation plan to Staff, as described herein, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(13-M-0449SA3)

NOTICE OF ADOPTION

Audit Implementation Plan

I.D. No. PSC-32-17-00012-A

Filing Date: 2017-12-15

Effective Date: 2017-12-15

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

Action taken: On 12/14/17, the PSC adopted an order directing Orange and Rockland Utilities, Inc. (O&R) to execute its Audit Implementation Plan.

Statutory authority: Public Service Law, sections 65(1), 66(1) and (19)

Subject: Audit Implementation Plan.

Purpose: To direct O&R to execute its Audit Implementation Plan.

Substance of final rule: The Commission, on December 14, 2017, adopted an order directing Orange and Rockland Utilities, Inc. (O&R) to execute its Audit Implementation Plan, as described herein, with the oversight of the Department of Public Service Staff (Staff), and is directed to continue to provide periodic progress reports until Staff confirms that the plans have been fully implemented. O&R is also directed to provide the deliverables identified in its audit implementation plan to Staff, as described herein, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(13-M-0449SA2)

NOTICE OF ADOPTION

Audit Implementation Plan

I.D. No. PSC-32-17-00013-A

Filing Date: 2017-12-15

Effective Date: 2017-12-15

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

Action taken: On 12/14/17, the PSC adopted an order directing New York State Electric and Gas Corporation (NYSEG) and Rochester Gas and Electric Corporation (RG&E) to execute its Audit Implementation Plan.

Statutory authority: Public Service Law, sections 65(1), 66(1) and (19)

Subject: Audit Implementation Plan.

Purpose: To direct NYSEG and RG&E to execute its Audit Implementation Plan.

Substance of final rule: The Commission, on December 14, 2017, adopted an order directing New York State Electric and Gas Corporation (NYSEG) and Rochester Gas and Electric Corporation (RG&E) to execute its Audit Implementation Plan, as described herein, with the oversight of the Department of Public Service Staff (Staff), and are directed to continue to provide periodic progress reports until Staff confirms that the plans have been fully implemented. NYSEG and RG&E are also directed to provide the deliverables identified in its audit implementation plan to Staff, as described herein, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(13-M-0449SA1)

NOTICE OF ADOPTION

Audit Implementation Plan

I.D. No. PSC-32-17-00014-A

Filing Date: 2017-12-15

Effective Date: 2017-12-15

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

Action taken: On 12/14/17, the PSC adopted an order directing Central Hudson Gas and Electric Corporation (Central Hudson) to execute its Audit Implementation Plan.

Statutory authority: Public Service Law, sections 65(1), 66(1) and (19)

Subject: Audit Implementation Plan.

Purpose: To direct Central Hudson to execute its Audit Implementation Plan.

Substance of final rule: The Commission, on December 14, 2017, adopted an order directing Central Hudson Gas and Electric Corporation (Central Hudson) to execute its Audit Implementation Plan, as described herein, with the oversight of the Department of Public Service Staff (Staff), and is directed to continue to provide periodic progress reports until Staff confirms that the plans have been fully implemented. Central Hudson is also directed to provide the deliverables identified in its audit implementation plan to Staff, as described herein, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(13-M-0449SA5)

NOTICE OF ADOPTION

Audit Implementation Plan

I.D. No. PSC-32-17-00015-A

Filing Date: 2017-12-15

Effective Date: 2017-12-15

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

Action taken: On 12/14/17, the PSC adopted an order directing Consolidated Edison Company of New York, Inc. (Con Edison) to execute its Audit Implementation Plan.

Statutory authority: Public Service Law, sections 65(1), 66(1) and (19)

Subject: Audit Implementation Plan.

Purpose: To direct Con Edison to execute its Audit Implementation Plan.

Substance of final rule: The Commission, on December 14, 2017, adopted an order directing Consolidated Edison Company of New York, Inc. (Con Edison) to execute its Audit Implementation Plan, as described herein, with the oversight of the Department of Public Service Staff (Staff), and is directed to continue to provide periodic progress reports until Staff confirms that the plans have been fully implemented. Con Edison is also directed to provide the deliverables identified in its audit implementation plan to Staff, as described herein, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(13-M-0449SA4)

NOTICE OF ADOPTION

Initial Tariff Schedule and Escrow Account

I.D. No. PSC-32-17-00016-A

Filing Date: 2017-12-18

Effective Date: 2017-12-18

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

Action taken: On 12/14/17, the PSC adopted an order approving, with modifications, Stone Ridge Estates Water Corporation's (Stone Ridge) initial electronic tariff schedule, P.S.C. No. 1—Water and Escrow Account Statement.

Statutory authority: Public Service Law, section 89-e(2)

Subject: Initial tariff schedule and escrow account.

Purpose: To approve, with modifications, Stone Ridge's initial tariff schedule and escrow account.

Substance of final rule: The Commission, on December 14, 2017, adopted an order approving, with modifications, Stone Ridge Estates Water Corporation's (Stone Ridge) initial electronic tariff schedule, P.S.C. No. 1 – Water, which sets forth the rates, charges, rules and regulations under which the Stone Ridge proposes to provide service, and Escrow Account Statement that shall become effective on January 1, 2018, provided that tariff revisions consistent with the discussion in the body of this Order and shown in Appendices D and E are filed on not less than five days' notice, to become effective on January 1, 2018, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(17-W-0434SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-37-17-00008-A

Filing Date: 2017-12-14

Effective Date: 2017-12-14

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

Action taken: On 12/14/17, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to P.S.C. No. 10 for modifications to the Rider L—Direct Load Control (DLC) and Connected Devices Pilot (CDP) Programs.

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

Subject: Tariff amendments.

Purpose: To approve Con Edison's tariff amendments for modifications to the Rider L—DLC and CDP Programs.

Substance of final rule: The Commission, on December 14, 2017, adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to P.S.C. No. 10 – Electricity, for modifications to the Rider L – Direct Load Control (DLC) and Connected

Devices Pilot (CDP) Programs, to become effective on January 1, 2018. Con Edison is directed to make a tariff filing and include an analysis of simultaneous tenant participation in Rider L and Service Classifications Nos. 8, 12, and 13 customer participation in Rider T in its next annual Report on Program Performance and Cost Effectiveness of Demand Response Programs, which shall be filed with the Secretary to the Commission on or before December 1, 2018. Con Edison's request for a \$12 million budget for the Connected Devices Pilot program is denied and Con Edison is instead authorized to include a three-year budget of \$7.5 million for the continuation of the Connected Devices Pilot program, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(17-E-0526SA1)

NOTICE OF ADOPTION

Transfer of Ownership Interests, Proposed Financing and the Continuation of Lightened Regulation

I.D. No. PSC-40-17-00008-A

Filing Date: 2017-12-15

Effective Date: 2017-12-15

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

Action taken: On 12/14/17, the PSC adopted an order approving Danskammer Holdings LLC, et al.'s (Danskammer) petition for a transfer of ownership interests in Danskammer Energy, proposed financing and the continuation of the lightened regulatory regime.

Statutory authority: Public Service Law, sections 2(12), (13), 5(1)(b), 5-b, 64, 65, 66, 69 and 70

Subject: Transfer of ownership interests, proposed financing and the continuation of lightened regulation.

Purpose: To approve Danskammer's petition for a transfer of ownership interests, proposed financing and continuing lightened regulation.

Substance of final rule: The Commission, on December 14, 2017, adopted an order approving Danskammer Holdings LLC (Danskammer Holdings), Danskammer Energy, LLC (Danskammer Energy), Mercuria Energy America, Inc. (MEAI), and Mercuria Investments US, Inc.'s (MIUS), petition for Danskammer Holdings to acquire controlling interests in Danskammer Energy, the direct owner of an approximately 500 MW electric generating facility located in Newburgh, New York, from MEAI and MIUS. Danskammer Holdings is also approved to issue long-term debt relative to the proposed transfer, up to a maximum amount of \$66 million and the existing lightened regulatory regime applied to Danskammer Energy should be continued after the proposed ownership transfer is consummated. Also, the applicable filing requirements of 16 NYCRR Parts 31.1, 37.1, and 39.1, which specify the contents of petitions for authority under PSL §§ 69 and 70, are waived, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(17-E-0551SA1)

NOTICE OF ADOPTION

Financing Petition

I.D. No. PSC-40-17-00009-A

Filing Date: 2017-12-15

Effective Date: 2017-12-15

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

Action taken: On 12/14/17, the PSC adopted an order approving Orange and Rockland Utilities, Inc.'s (O&R) petition to issue and sell unsecured debt obligations.

Statutory authority: Public Service Law, section 69

Subject: Financing petition.

Purpose: To approve O&R's petition to issue and sell unsecured debt obligations.

Substance of final rule: The Commission, on December 14, 2017, adopted an order approving Orange and Rockland Utilities, Inc. (O&R) to issue and sell up to \$310 million of unsecured debt in one or more transactions, not later than December 31, 2021. The proceeds from the issuance of these securities shall only be used for the purposes described in Ordering Clause 2. O&R is authorized to enter into Revolving Credit Agreement(s) in a cumulative amount not to exceed \$200 million, for a period ending December 31, 2021. For the purposes of the optional refunding of its outstanding unsecured debt, O&R is authorized to issue up to \$150 million of unsecured debt, not later than December 31, 2021. This Order replaces the authorization granted in the Order Authorizing Issuance of Securities, issued December 20, 2013, in Case 13-M-0403 and the authorization granted in that proceeding is revoked, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(17-M-0541SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

New York State Reliability Council's Establishment of an Installed Reserve Margin of 18.2 Percent

I.D. No. PSC-01-18-00006-P

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

Proposed Action: The Commission is considering an Installed Reserve Margin of 18.2 percent established by the New York State Reliability Council for the Capability Year beginning May 1, 2018, and ending April 30, 2019.

Statutory authority: Public Service Law, sections 4(1), 5(2), 65(1), 66(1), (2), (4) and (5)

Subject: New York State Reliability Council's establishment of an Installed Reserve Margin of 18.2 percent.

Purpose: To consider an Installed Reserve Margin for the Capability Year beginning May 1, 2018, and ending April 30, 2019.

Substance of proposed rule: The Public Service Commission (Commission) is considering an Installed Reserve Margin (IRM) of 18.2% established by the New York State Reliability Council's Executive Committee on December 8, 2017, for the Capability Year beginning May 1, 2018, and ending April 30, 2019. The IRM is based on the Technical Study Report dated December 8, 2017, and entitled "New York Control Area Installed Capacity Requirement for the Period May 2018 to April 2019" (Report). The full text of the Report is available on the internet at: http://www.nysrc.org/NYSRC_NYCA_ICR_Reports.html. The Commission may adopt, reject, or modify, in whole or in part, the proposed IRM, and may resolve other related matters.

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

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

Public comment will be received until: March 5, 2018.

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.

(07-E-0088SP12)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Revisions to O&R's Distribution Load Relief Program (DLRP) Cost Recovery

I.D. No. PSC-01-18-00007-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 December 1, 2017 tariff filing by Orange and Rockland Utilities, Inc. (O&R) proposing modifications to three distribution-level demand response programs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12) and (14)

Subject: Proposed revisions to O&R's Distribution Load Relief Program (DLRP) cost recovery.

Purpose: To consider whether O&R should recover DLRP costs from distribution customers only.

Substance of proposed rule: The Public Service Commission is considering a tariff filing by Orange and Rockland Utilities, Inc. (O&R), filed on December 1, 2017, proposing modifications to three distribution-level demand response programs, the Direct Load Control Program, the Commercial System Relief Program, and the Distribution Load Relief Program for the 2018 capability period. The proposed tariff amendments do not have an initial effective date. The full text of the filing 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 relief proposed and may resolve related matters.

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

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

Public comment will be received until: March 5, 2018.

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

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

(15-E-0191SP5)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Revisions to the Dynamic Load Management Programs for the Summer 2018 Capability Period

I.D. No. PSC-01-18-00008-P

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

Proposed Action: The Commission is considering a December 1, 2017 tariff filing by Niagara Mohawk Power Corporation d/b/a National Grid to effectuate revisions to its Dynamic Load Management Programs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12) and (14)

Subject: Proposed revisions to the Dynamic Load Management Programs for the summer 2018 capability period.

Purpose: To consider modifications to the Dynamic Load Management Programs and proposed draft tariffs.

Substance of proposed rule: The Public Service Commission is considering a tariff filing by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), filed on December 1, 2017, proposing modifications to three distribution-level demand response programs (Direct Load Control Program, Commercial System Relief Program, and Distribution Load Relief Program) for the 2018 capability period. The proposed tariff amendments have an initial effective date of May 1, 2018. The full text of the filing 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 relief proposed and may resolve related matters.

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

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

Public comment will be received until: March 5, 2018.

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

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

(15-E-0189SP5)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Revisions to NYSEG's Distribution Load Relief Program (DLRP) Cost Recovery

I.D. No. PSC-01-18-00009-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 December 1, 2017 tariff filing by New York State Electric & Gas Corporation (NYSEG) proposing modifications to three distribution-level demand response programs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12) and (14)

Subject: Proposed revisions to NYSEG's Distribution Load Relief Program (DLRP) cost recovery.

Purpose: To consider whether NYSEG should recover DLRP costs from distribution customers only.

Substance of proposed rule: The Public Service Commission is considering a tariff filing by New York State Electric & Gas Corporation (NYSEG), filed on December 1, 2017, proposing modifications to three distribution-level demand response programs, the Direct Load Control Program, the Commercial System Relief Program, and the Distribution Load Relief Program for the 2018 capability period. The proposed tariff amendments have an initial effective date of May 1, 2018. The full text of the filing 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 relief proposed and may resolve related matters.

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

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

Public comment will be received until: March 5, 2018.

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

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

(15-E-0188SP4)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Issuance of Unsecured Debt Obligations

I.D. No. PSC-01-18-00010-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 a petition filed by National Fuel Gas Distribution Company requesting expedited clarification of its Order Authorizing Issuance of Securities issued November 17, 2017.

Statutory authority: Public Service Law, section 69

Subject: Issuance of unsecured debt obligations.

Purpose: To consider the Company's request to issue unsecured debt obligations.

Substance of proposed rule: The Public Service Commission is considering a petition filed by National Fuel Gas Distribution Company (the Company), on December 15, 2017, requesting expedited clarification of its Order Authorizing Issuance of Securities issued November 17, 2017. The Company is specifically seeking clarification of: (1) certain language contained in the Order regarding the accounting treatment for the costs related to the refinancing of existing debt prior to maturity; and (2) certain language in the Order regarding the accelerated refinancing of debt as opposed to refinancing of debt in the ordinary course of business. The full text of the petition 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 relief proposed and may resolve related matters.

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

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

Public comment will be received until: March 5, 2018.

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.

(17-G-0414SP2)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Participation of Low-Income Ratepayers in Community Distributed Generation Projects

I.D. No. PSC-01-18-00011-P

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

Proposed Action: The Commission is considering the recommendations and options discussed in the Staff Report on Low-Income Community Distributed Generation Proposal filed on December 18, 2017.

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

Subject: Participation of low-income ratepayers in community distributed generation projects.

Purpose: To consider methods to support participation of low-income ratepayers in community distributed generation projects.

Substance of proposed rule: The Public Service Commission (Commission) is considering the recommendations and options discussed in the Staff Report on Low-Income Community Distributed Generation Proposal (Report) filed by Department of Public Service Staff (Staff) on December 18, 2017. The Staff Report was filed in compliance with a requirement in the Commission's March 9, 2017 Order on Net Metering Transition, Phase One of Value of Distributed Energy Resources, and Related Matters (VDER Order) in Case 15-E-0751. Staff proposes several methods to sup-

port the participation of low-income customers in Community Distributed Generation Projects, including a Bill Discount Pledge Program, the use of the New York State Energy Research and Development Authority (NYSERDA) for income verification services, and the development of a Loss Reserve by NYSERDA and the New York Green Bank. The full text of the Staff Report on Low-Income Community Distributed Generation Proposal 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 recommendations in the Report and may resolve related matters.

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

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

Public comment will be received until: March 5, 2018.

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

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

(15-E-0751SP12)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Revisions to Central Hudson's Distribution Load Relief Program (DLRP) Cost Recovery

I.D. No. PSC-01-18-00012-P

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

Proposed Action: The Commission is considering a December 1, 2017 tariff filing by Central Hudson Gas & Electric Corporation (Central Hudson) proposing modifications to two distribution-level demand response programs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12) and (14)

Subject: Proposed revisions to Central Hudson's Distribution Load Relief Program (DLRP) cost recovery.

Purpose: To consider whether Central Hudson should recover DLRP costs from distribution customers only.

Substance of proposed rule: The Public Service Commission is considering a tariff filing by Central Hudson Gas & Electric Corporation (Central Hudson), filed on December 1, 2017, proposing to eliminate one distribution-level demand response program, the Direct Load Control Program, and to modify the Commercial System Relief Program for the 2018 capability period. The proposed tariff amendments do not have an initial effective date. The full text of the filing 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 relief proposed and may resolve related matters.

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

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

Public comment will be received until: March 5, 2018.

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

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

(15-E-0186SP5)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Revisions to RG&E's Distribution Load Relief Program (DLRP) Cost Recovery

I.D. No. PSC-01-18-00013-P

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

Proposed Action: The Commission is considering a December 1, 2017 tariff filing by Rochester Gas and Electric Corporation (RG&E) proposing modifications to three distribution-level demand response programs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12) and (14)

Subject: Proposed revisions to RG&E's Distribution Load Relief Program (DLRP) cost recovery.

Purpose: To consider whether RG&E should recover DLRP costs from distribution customers only.

Substance of proposed rule: The Public Service Commission is considering a tariff filing by Rochester Gas and Electric Corporation (RG&E), filed on December 1, 2017, proposing modifications to three distribution-level demand response programs, the Direct Load Control Program, the Commercial System Relief Program, and the Distribution Load Relief Program for the 2018 capability period. The proposed tariff amendments have an initial effective date of May 1, 2018. The full text of the filing 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 relief proposed and may resolve related matters.

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

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

Public comment will be received until: March 5, 2018.

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

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

(15-E-0190SP4)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Revisions to National Grid's Distribution Load Relief Program (DLRP) Cost Recovery

I.D. No. PSC-01-18-00014-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 December 1, 2017 tariff filing by Niagara Mohawk Power Corporation d/b/a National Grid to effectuate cost recovery revisions for its Dynamic Load Management Programs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12) and (14)

Subject: Proposed revisions to National Grid's Distribution Load Relief Program (DLRP) cost recovery.

Purpose: To consider whether National Grid should recover DLRP costs from distribution customers only.

Substance of proposed rule: The Public Service Commission is considering a tariff filing by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), filed on December 1, 2017, proposing modifications to the annual surcharge as it applied to recovery of costs of three distribution-level demand response programs (Direct Load Contract Program, Commercial System Relief Program, and Distribution Load Relief Program) for the 2018 capability period. The proposed tariff amendments have an initial effective date of May 1, 2018. The full text of the filing 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 relief proposed and may resolve related matters.

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

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

Public comment will be received until: March 5, 2018.

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

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

(15-E-0189SP6)

Workers' Compensation Board

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Workers' Compensation Board – Option to Self-Insure for Jockey Fund

I.D. No. WCB-01-18-00001-P

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

Proposed Action: Addition of Part 320 to Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, section 117(1); Racing, Pari-Mutuel Wagering and Breeding Law, section 221(6)(b)

Subject: Workers' Compensation Board – Option to Self-Insure for Jockey Fund.

Purpose: Creates the process for the Jockey Fund to self-insure for Workers' Compensation coverage.

Text of proposed rule: Subchapter B of Title 12 NYCRR is amended to add a new Part 320, as follows:

Part 320. New York Jockey Injury Compensation Fund, Inc.

Section 320.1. Definitions

(a) "Fund" means the New York Jockey Injury Compensation Fund, Inc.

(b) "Board" means the New York State Workers' Compensation Board.

(c) "Chair" means the chairperson of the New York State Workers' Compensation Board.

(d) "Self-insure" and "self-insurance" shall have the same meaning as set forth under section 50 of the workers' compensation law.

(e) "Employees of licensed trainers or owners" shall have the same meaning as subdivision twenty-four of section 2 of the workers' compensation law.

Section 320.2. Application to Self-Insure

(a) In order for the Fund to self-insure pursuant to subdivision three of section 50 of the workers' compensation law and paragraph b of subdivision six of section 221 of the racing, pari-mutuel wagering and breeding law, the Fund shall furnish satisfactory proof to the chair of its financial ability to pay workers' compensation. Such proof shall consist of a notice of intent to self-insure and satisfactory proof of the financial ability to self-insure.

(b) Satisfactory proof of the financial ability to self-insure shall consist of the following: (1) the posting of a security deposit with the Board, as determined and calculated by the Board using full annual payroll by class code; and (2) proof of excess insurance coverage in an amount determined by the Board.

(c) The proof provided to the chair shall also contain audited financial statements as prescribed by the Board.

(d) The chair may determine that the proof of financial ability to pay workers' compensation is insufficient for good cause shown, in that the Fund has failed to tender satisfactory proof of its financial ability to self-insure.

(e) Upon the chair's approval to self-insure, the Fund shall also obtain approval to self-insure from the gaming commission, pursuant to paragraph b of subdivision six of section 221 of the racing, pari-mutuel wagering and breeding law.

(f) *The Fund will be deemed to be self-insured pursuant to subdivision three of section 50 of the workers' compensation law as of the date the gaming commission grants approval to self-insure.*

Section 320.3. Annual Coverage and Assessments

(a) *Upon approval to self-insure by both the chair of the Board and the gaming commission, on the date established pursuant to paragraph f of Part 320.2 of this Subchapter, the Fund shall remit to the Board the assessment established by the chair pursuant to section 151 of the workers' compensation law, in the manner consistent with subdivision five of section 151 of the workers' compensation law, and the assessment established by the chair and the department of audit and control pursuant to paragraph (c) of subdivision five of section 50 of the workers' compensation law, in the manner set forth in paragraph (e) of subdivision five of section 50 of the workers' compensation law.*

(b) *Annually, no later than April first of each fiscal year, and for the duration that the Fund elects to self-insure, the Fund shall submit to the board all financial statements, payroll information, and workers' compensation claims to continue its status as a self-insurer pursuant to subdivision 3 of section 50 of the workers' compensation law.*

(c) *Annually, based upon the financial information submitted, the Chair shall reassess the Fund's proof of the financial ability to self-insure. Upon completion of such review, the Chair may adjust the required security. If additional security is required to be posted, the Fund shall submit such amounts within 90 days of notification. In the event that such additional security is not posted, the chair may determine that the proof of financial ability to pay workers compensation is insufficient for good cause shown, and the Fund's self-insurance status may be terminated.*

(d) *Any owner or trainer that is licensed under article two or four of the racing, pari-mutuel wagering and breeding law and that is a member of the Fund shall not charge any jockey, apprentice jockey, or exercise person for any portion of the cost of joining and/or being a member of the Fund. In the event the Fund elects, with the approval of the gaming commission, to secure workers' compensation insurance for employees of licensed trainers or owners, owners and licensed trainers that are members of the Fund shall not charge said employees for any portion of the cost of joining and/or being a member of the Fund.*

Section 320.4. Reserve

(a) *Following approval to self-insure by the chair and the gaming commission, the Fund shall establish a self-insurance reserve to provide coverage in the event that the Fund is deficient. The board of directors of the Fund shall establish an annual fee to be paid by owners and licensed trainers that are members of the Fund for the purposes of contributing to the reserve. The reserve shall be established no later than 60 days following the approval to self-insure by both the chair and the gaming commission, on that date set forth pursuant to paragraph f of Part 320.2 of this Subchapter. At the time of establishment and annually thereafter, the Fund shall provide the Board with detailed information concerning the reserve. Such information shall include the financial institution holding the reserve as well as account information, the account balance, and any deposits to and debits from such reserve in the preceding year.*

(b) *The Fund may at any time in its discretion expend moneys in such reserve to pay any liability of the plan.*

(c) *In the event the Fund no longer self-insures, all moneys remaining in such reserve in excess of an amount sufficient to satisfy all accrued and contingent liabilities, shall be refunded to the owners and licensed trainers that are members of the Fund in such manner as may be established by the board of directors of the Fund.*

Text of proposed rule and any required statements and analyses may be obtained from: Heather MacMaster, Workers' Compensation Board, Office of General Counsel, 328 State Street, Schenectady, NY 12305-2318, (518) 486-9564, email: regulations@wcb.ny.gov

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

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

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

Regulatory Impact Statement

1. Statutory authority:

The Board is authorized to amend Title 12 of the NYCRR to add a new section 320. The Board's authority is derived from WCL § 117(1), which authorizes the Chair of the Board to adopt reasonable regulations consistent with and supplemental to the provisions of the WCL and the Labor Law. The Board's authority also stems from Racing, Pari-Mutuel Wagering and Breeding Law § 221(6)(b), as amended by Chapter 59 of the Laws of 2017, which allows the Jockey Fund to secure workers' compensation insurance through a form of self-insurance, "provided that the fund has met the requirements of the [Board], including, without limitation, subdivision three of section fifty of the workers' compensation law."

2. Legislative objectives:

WCL § 117(1) authorizes the Chair to adopt reasonable regulations to supplement the WCL. The WCL was enacted for socio-economic remediation purposes to protect workers and their dependents from economic hardship in case of injury on the job (see *Matter of Post v Burger & Gohlke*, 216 NY 544 [1916]; see also *Matter of LaCroix v Syracuse Exec. Air Serv., Inc.*, 8 NY3d 348 [2007]). The proposed rule will advance these objectives by protecting employees of the Jockey Fund, including jockeys, apprentice jockeys, and exercise persons, from economic hardship by ensuring that the Jockey Fund has adequate resources to compensate them for work-related injuries in the event that the Fund elects to self-insure.

3. Needs and benefits:

Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law § 221(6), the Jockey Fund is required to secure workers' compensation coverage for the benefit of all jockeys, apprentice jockeys, and exercise persons licensed pursuant to Racing, Pari-Mutuel Wagering and Breeding Law articles two and four. As recently amended by Chapter 59, Part SS, of the Laws of 2017, the Jockey Fund may now elect to secure workers' compensation insurance coverage through a form of self-insurance (see Racing, Pari-Mutuel Wagering and Breeding Law § 221(6)(b)). The Board believes that this proposed rule is necessary to ensure that, in the event that the Jockey Fund opts to self-insure, the Fund has adequate resources to compensate injured employees for work-related injuries.

Under existing law, employers who wish to self-insure must submit certain financial records to establish their financial ability to self-insure and tender a security deposit to the Board (see WCL § 50(3), [4]; 12 NYCRR parts 315, 316). The Board's self-insurance office reviews this information to determine adequate security amounts for each self-insurer. The proposed rule would impose similar requirements on the Jockey Fund if it wishes to self-insure. As such, the proposed regulation brings the Jockey Fund's new ability to self-insure in line with existing workers' compensation law and clarifies the procedures the Jockey Fund must follow to be deemed a self-insurer by the Board. The Board is also cognizant of the fact that the employees of the Jockey Fund, including jockeys, apprentice jockeys, and exercise persons, are exposed to an inherently dangerous work environment given the nature of their employment. As such, it is the Board's position that the requirements to self-insure set forth in the proposed rule are necessary to protect those workers who face a high likelihood of work-related injuries.

4. Costs:

This proposal will impose a cost only on owners and licensed trainers who are subject to Racing, Pari-Mutuel Wagering and Breeding Law articles two and four, and only in the event that the Jockey Fund elects to self-insure. Specifically, the rule requires such owners and licensed trainers to pay an annual fee into a self-insurance reserve created under this regulation. The amount to be paid by the owners and licensed trainers will be determined by the board of directors of the Jockey Fund. However, the proposed rule allows for all moneys remaining in the reserve in excess of an amount sufficient to satisfy all accrued and contingent liabilities to be refunded to the owners and licensed trainers that are members of the Jockey Fund. The proposed rule does not impose costs on other regulated parties, the Board, the State, or local governments for its implementation and continuation.

5. Local government mandates:

The proposed regulation does not impose any program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or other special district.

6. Paperwork:

This proposed rule requires the Jockey Fund, in the event it elects to self-insure, to submit to the Board an application for self-insurance and the following financial statements to demonstrate satisfactory proof of its financial ability to pay workers' compensation: (1) the posting of a security deposit with the Board, (2) proof of excess insurance coverage in an amount determined by the Board, and (3) audited financial statements. The proposed rule also requires the Jockey Fund to submit to the Board, on an annual basis for the duration that the Fund self-insures, all financial statements, payroll information, workers' compensation claims, and proof of the Fund's financial ability to self-insure. The proposed rule does not require any entity other than the Jockey Fund to comply with any reporting requirements.

7. Duplication:

The proposed rule does not duplicate or conflict with any state or federal requirements.

8. Alternatives:

One alternative discussed was to take no action. However, the Board felt that it was more prudent to take action out of concern that failing to assess the Jockey Fund's financial ability to self-insure would result in there being insufficient funds to compensate employees of the Jockey Fund. The Board did not believe that taking such a risk was reasonable given the dangerous nature of employment engaged in by employees of the Jockey Fund.

9. Federal standards:

There are no federal standards applicable to this proposed rule.

10. Compliance schedule:

It is expected that the affected parties will be able to comply with this change immediately.

Regulatory Flexibility Analysis

1. Effect of rule:

This proposed rule applies to the Jockey Fund, a not-for-profit corporation that employs certain jockeys, apprentice jockeys, and exercise persons performing services for an owner or trainer in connection with the training or racing of a thoroughbred horse, as set forth in articles two and four of the Racing, Pari-Mutuel Wagering and Breeding Law. The proposed rule sets forth certain procedures that the Jockey Fund must follow in order to become a self-insurer under the WCL.

In addition, the rule would require owners and licensed trainers that are members of the Jockey Fund to pay an annual fee to fund the Jockey Fund's self-insurance reserve. Accordingly, in the event owners or licensed trainers are organized as a small business, rather than individual proprietors, this proposed rule would impose an additional financial obligation on certain small businesses. The rule will have no effect on local governments.

2. Compliance requirements:

Under this new rule, the Jockey Fund will be required to file with the Board a notice of intent to self-insure as well as financial statements in order to establish its financial ability to self-insure. Additionally, the new rule requires the Jockey Fund to submit annual financial statements to the Board in order for the Board to annually reassess the Jockey Fund's financial ability to self-insure.

The proposed regulation would also require owners and licensed trainers that are members of the Jockey Fund to pay an annual fee into a self-insurance reserve created under this regulation. The amount to be paid by the owners and licensed trainers will be determined by the board of directors of the Jockey Fund. Therefore, to the extent that the owners and licensed trainers are organized as small businesses, this rule imposes an affirmative obligation on specific small businesses that are members of the Jockey Fund.

3. Professional services:

The Board believes that no professional services will be needed to comply with this rule. Under existing law, the Jockey Fund must obtain workers' compensation insurance. The Board therefore expects that the Jockey Fund will be able to use the same resources it would devote to securing workers' compensation insurance from an insurance carrier to adhering to the Board's self-insurance procedures.

4. Compliance costs:

This proposal will impose an additional cost on any owners and licensed trainers who are members of the Jockey Fund. Specifically, the regulation requires owners and licensed trainers, who are subject to articles two and four of the Racing, Pari-Mutuel Wagering and Breeding Law, to pay an annual fee into a self-insurance reserve created under this regulation. The amount to be paid by the owners and licensed trainers will be determined by the board of directors of the Jockey Fund.

5. Economic and technological feasibility:

No implementation or technology costs are anticipated for small businesses and local governments for compliance with the proposed rule. Therefore, it will be economically and technologically feasible for small businesses and local governments affected by the proposed rule to comply with the rule.

6. Minimizing adverse impact:

The Board anticipates that the proposed rule may have an adverse economic impact on small businesses operated by owners and licensed trainers who are members of the Jockey Fund inasmuch as the proposal requires owners and trainers who are members of the Jockey Fund to pay an annual fee to fund the Jockey Fund's self-insurance reserve. However, the Board could not design the rule in such a way as to avoid the economic impact on this class of small businesses. The intent of the regulation is to protect employees of the Jockey Fund by assuring that the Jockey Fund is financially able to compensate them for work-related injuries. The Board believes that it is necessary and equitable for the employers, including owners and licensed trainers, to pay into a reserve in the event that the Jockey Fund self-insures and is deficient. In addition, the proposed rule allows for all moneys remaining in the reserve in excess of an amount sufficient to satisfy all accrued and contingent liabilities to be refunded to the owners and licensed trainers that are members of the Jockey Fund. Therefore, the proposed regulation ensures that owners and licensed trainers do not pay more than is necessary to protect the employees of the Fund.

7. Small business and local government participation:

The Board will assess any comments made by the small business community and local governments during the public comment period.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

This rule applies to the Jockey Fund, a not-for-profit corporation that,

under the WCL, is considered the "employer" of certain jockeys, apprentice jockeys, and exercise persons performing services for an owner or trainer in connection with the training or racing of a thoroughbred horse, as set forth in articles two and four of the Racing, Pari-Mutuel Wagering and Breeding Law. The proposal would also affect the owners and trainers that are members of the Jockey Fund. As such, the rule is expected to have no impact on rural areas insofar as it pertains only to a specific corporation and its members, and the benefits derived from the rule will be seen by employees of the Jockey Fund in all areas of the state.

2. Reporting, recordkeeping and other compliance requirements:

Under this new rule, the Jockey Fund will be required to file with the Board a notice of intent to self-insure as well as financial statements in order to prove its financial ability to self-insure. Additionally, the new rule requires the Jockey Fund to submit annual financial statements to the Board in order for the Board to annually reassess the Jockey Fund's financial ability to self-insure. These reporting and compliance requirements will affect only the Jockey Fund in the event it decides to self-insure and will not affect rural areas.

3. Costs:

This proposal will not impose any compliance costs on rural areas. The rule solely establishes a procedure the Jockey Fund must undergo in order to self-insure.

4. Minimizing adverse impact:

This proposed rule is designed to minimize the adverse impact that employees of the Jockey Fund may face in the event that the Jockey Fund is financially unable to compensate its employees for their work-related injuries. This rule establishes a procedure that the Jockey Fund must follow before becoming self-insured as well as an annual financial reassessment process to ensure that the Jockey Fund is financially capable of paying injured workers for their workers' compensation claims. Therefore, the proposal will benefit employees of the Jockey Fund, including jockeys and exercise persons, statewide.

5. Rural area participation:

The Board received input from persons within the Board's self-insurance unit to ensure that the requirements set forth in the proposed rule will allow the Board to accurately assess the financial stability of the Jockey Fund and are comparable to self-insurance requirements of other entities statewide. In addition, the Board will assess any comments made by those representing the interests of rural areas during the public comment period.

Job Impact Statement

The proposed regulation will not have an adverse impact on jobs. The regulation merely establishes the procedure that the Jockey Fund must follow with the Workers' Compensation Board (hereinafter, the Board) in order to be permitted to self-insure pursuant to Workers' Compensation Law (WCL) § 50(3) and Racing, Pari-Mutuel Wagering and Breeding Law § 221(6)(b). These regulations will ultimately benefit the Jockey Fund by providing a clear path for self-insurance, while also benefitting the participants to the workers' compensation system by ensuring that the Jockey Fund has sufficient resources to compensate injured employees for work-related injuries.

HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No.	Subject Matter	Location—Date—Time
Public Service Commission		
PSC-41-17-00006-P	Major electric rate filing	Department of Public Service, Agency Bldg. 3, 19th Fl. Boardroom, Albany, NY—January 9, 2018, 10:00 a.m. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 17-E-0459.
PSC-41-17-00007-P	Major gas rate filing	Department of Public Service, Agency Bldg. 3, 19th Fl. Boardroom, Albany, NY—January 9, 2018, 10:00 a.m. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 17-G-0460.
PSC-45-17-00008-P	Major water rate filing	Department of Public Service, Agency Bldg. 3, 3rd Fl. Hearing Rm., Albany, NY—January 29, 2018 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 17-W-0528.
PSC-50-17-00021-P	Disposition of tax refunds and other related matters	Department of Public Service, Three Empire State Plaza, 3rd Fl. Hearing Rm., Albany, NY—February 7, 2018, 10:30 a.m. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 17-M-0592.

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
AGING, OFFICE FOR THE			
AGE-42-17-00001-P	10/18/18	Administration of the Long Term Care Ombudsman Program	To bring NYSOFA's rules and regulations governing LTCOP into conformance with the Federal Statute and regulations.
ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF			
ASA-41-17-00001-P	10/11/18	Establishment, Incorporation and Certification of Providers of Substance Use Disorder Services	Clarifies the obligation to recognize alcohol/substance abuse programs operated by Indian Health Services facilities
ASA-44-17-00001-P	11/01/18	Repeal Part 14 NYCRR Part 830 (Acupuncture) and add new Part 830 (Designated Services; acupuncture and telepractice)	Repeal obsolete regulations and incorporate provisions into a new Part with additional provisions
ASA-44-17-00002-P	11/01/18	Children's behavioral health services	Defines and implements children's behavioral health services pursuant to the EPSDT program in New York
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-51-17-00017-EP	12/20/18	Specialized secure detention facilities	To establish specialized secure detention facilities
CFS-01-18-00003-EP	01/03/19	Optional expansion of services offered by municipalities to runaway and homeless youth	To implement changes made to Executive Law regarding optional expansion of services to runaway and homeless youth
CIVIL SERVICE, DEPARTMENT OF			
CVS-01-17-00007-P	01/04/18	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-01-17-00009-P	01/04/18	Jurisdictional Classification	To classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-01-17-00017-P	01/04/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-07-17-00003-P	02/15/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-17-00002-P	05/03/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-17-00008-P	05/03/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-18-17-00012-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00013-P	05/03/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-18-17-00014-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
CVS-18-17-00016-P	05/03/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-18-17-00017-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class and delete positions from the non-competitive class
CVS-30-17-00006-P	07/26/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-30-17-00007-P	07/26/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-30-17-00008-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00009-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00010-P	07/26/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-30-17-00011-P	07/26/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-30-17-00012-P	07/26/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-30-17-00013-P	07/26/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-30-17-00014-P	07/26/18	Jurisdictional Classification	To classify a position in the non-competitive class.
CVS-30-17-00015-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00016-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00017-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00018-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00019-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-30-17-00020-P	 07/26/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class and to delete positions from the non-competitive class.
CVS-30-17-00021-P	 07/26/18	Jurisdictional Classification	To add a subheading and to classify positions in the non-competitive class
CVS-30-17-00022-P	 07/26/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-30-17-00023-P	 07/26/18	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
CVS-33-17-00002-P	 08/16/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-33-17-00003-P	 08/16/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-33-17-00004-P	 08/16/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-33-17-00005-P	 08/16/18	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-33-17-00006-P	 08/16/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-33-17-00007-P	 08/16/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-33-17-00008-P	 08/16/18	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
CVS-47-17-00001-P	 11/22/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-47-17-00002-P	 11/22/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-47-17-00003-P	 11/22/18	Jurisdictional Classification	To delete positions from and classify a position in the exempt class
CVS-47-17-00004-P	 11/22/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-47-17-00005-P	 11/22/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-47-17-00006-P	 11/22/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-47-17-00007-P	 11/22/18	Jurisdictional Classification	To classify positions in the exempt class.
CVS-47-17-00008-P	 11/22/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-49-17-00011-EP	 12/06/18	New York State Income Protection Plan (IPP) and Paid Family Leave (PFL) benefits for certain New York State employees	To establish that IPP and PFL benefits may not be paid to a subject employee for the same day
CVS-50-17-00001-P	 12/13/18	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-50-17-00002-P	12/13/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-50-17-00003-P	12/13/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-50-17-00004-P	12/13/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-50-17-00005-P	12/13/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-50-17-00006-P	12/13/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-50-17-00007-P	12/13/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-50-17-00008-P	12/13/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-50-17-00009-P	12/13/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-50-17-00010-P	12/13/18	Jurisdictional Classification	To delete positions from and classify a position in the non-competitive class
CVS-50-17-00011-P	12/13/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-50-17-00012-P	12/13/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-50-17-00013-P	12/13/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-50-17-00014-P	12/13/18	Jurisdictional Classification	To classify positions in the non-competitive class
CORRECTION, STATE COMMISSION OF			
CMC-44-17-00003-P	11/01/18	Inmate confinement and deprivation	Require local correctional facilities to record, review and report inmate cell confinement and essential service deprivation
CMC-44-17-00012-P	11/01/18	Inmate confinement and deprivation	Require local correctional facilities to record, review and report inmate cell confinement and essential service deprivation
CMC-01-18-00005-EP	01/03/19	Specialized secure juvenile detention facilities for older youth (SSDs)	Provide counties the regulatory framework for the construction, renovation and certification of SSDs
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-39-17-00001-P	09/27/18	Temporary Release Program Rules and Regulations	To amend current regulations governing the temporary release program consistent with governing statutes and agency directives.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-46-17-00001-EP	11/15/18	Life Sciences Research and Development Tax Credit	Allow Dept to implement the Life Sciences Research and Development Tax Credit program
EDUCATION DEPARTMENT			
EDU-27-17-00006-P	07/05/18	Interstate Compact for Educational Opportunity for Military Children and Physical Education Requirements for a Diploma.	To implement Ch. 328 of the Laws of 2014 and to provide flexibility in the physical education diploma requirements.
EDU-37-17-00003-RP	09/13/18	Requirements for the Educational Leadership Service	Modify the educational requirements for out-of-state candidates seeking licensure in New York
EDU-44-17-00004-P	11/01/18	Limited license in speech-language pathology	To subject applicants who have been issued a limited license, to the same experience requirements as applicants for a license
EDU-44-17-00005-P	11/01/18	Definition of occupational therapy practice	To conform the definition of occupational therapy practice to changes to Education Law 7901 by chapter 460 of the Laws of 2011
EDU-44-17-00006-EP	11/01/18	Mandatory Quality Review Program (MQRP) in public accountancy	Eliminates the requirement that a sponsoring organization which oversees the MQRP be located in New York State.
EDU-44-17-00007-EP	11/01/18	Continuing teacher and leader education Requirements	To require continuing teacher and leader education for certain teachers and school leaders in non-public schools
EDU-44-17-00008-P	11/01/18	Transitional H Certification Pathway	Allows NYS licensed CPAs with 3 years of exp. auditing NYS school dist., BOCES, municipalities to seek a business leader cert.
EDU-44-17-00009-P	11/01/18	New Pathway to a NYS High School Equivalency Diploma	Allows students to use passing scores on certain Regents examinations in lieu of certain sub-tasks on TASC
EDU-44-17-00010-EP	11/01/18	Temporary teaching certificates	Temporary certificates for teachers displaced from Puerto Rico and/or US territory as a result of Hurricane Maria
EDU-48-17-00005-P	11/29/18	Licensing of Licensed Pathologists' Assistants	Establishes requirements for licensure including professional education, examination, fee and limited permit requirements
EDU-48-17-00006-EP	11/29/18	Mandatory Quality Review Program/Mandatory Peer Review Program	Eliminates the exemption from the program for sole proprietorship and firms with two or fewer accounting professionals
EDU-48-17-00007-P	11/29/18	Establish Procedures and Fees for Institutional Authorization of Offer Degree Programs	To establish fees and procedures for the review of applications for new institutional authorization to offer degree programs
EDU-48-17-00008-P	11/29/18	Higher Education Opportunity Program (HEOP)	To clarify & modernize existing language & provide consistency across sectors & be useful when establishing frame work for RFP
EDU-48-17-00009-P	11/29/18	Pre-professional certificates and Transitional G certificates	Expands the Trans G certificate to fields other than STEM and allows pre-prof cert exp to count toward student teaching exp

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-52-17-00007-EP	12/27/18	Biological products in the profession of pharmacy	Establishes requirements for substitution of interchangeable biological products for prescribed products
EDU-52-17-00008-P	12/27/18	Requires teachers to complete a mentoring program during their first year of teaching	Outlines the requirements for candidates seeking a professional certificate in the classroom teaching service
EDU-52-17-00009-P	12/27/18	Creation of new certification area and tenure area in the classroom teaching service for computer science	To establish the requirements for a computer science certification area (all grades) and a new tenure area
EDU-52-17-00010-P	12/27/18	Alternative Teacher Certification Program Models	To have greater flexibility in the design of alternative teacher certification program models
EDU-52-17-00011-P	12/27/18	Grade-level extensions for certain candidates who hold a Students with Disabilities Generalist certificate	To expand the pool of qualified teachers of students with disabilities by establishing grade level extensions for certificates
EDU-52-17-00012-EP	12/27/18	Superintendent determination for certain students with disabilities to graduate with a local diploma	To expand the safety net options for students with disabilities to graduate with local diplomas when certain conditions are met
EDU-01-18-00002-P	01/03/19	180 Day Requirement for State Aid purposes	To clarify the requirement for 180 days of instruction for State aid purposes
ELECTIONS, STATE BOARD OF			
SBE-21-17-00005-RP	05/24/18	Designation of treasurer removal committee and related procedures	To implement the process of treasurer removal provided for by Part C of Chapter 286 of the Laws of 2016
SBE-28-17-00004-P	07/12/18	Use of independent automated audit tools	To implement the amendment to Election Law 9-211 permitting use of independent automated audit tools
SBE-47-17-00009-P	11/22/18	Voting by certain special federal voters.	Provide procedures for certain special federal voters.
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-06-17-00001-P	03/31/18	Amendments to 6 NYCRR Part 617 (which implement the State Environmental Quality Review Act [Article 8 of the ECL])	The purpose of the rule making is to streamline the SEQR process without sacrificing meaningful environmental review
ENV-14-17-00001-P	05/25/18	Prevention and Control of Environmental Pollution by Radioactive Materials	To amend regulations pertaining to disposal and release of radioactive materials to the environment
ENV-16-17-00003-P	04/19/18	Permits for taking surfclams	To reduce paperwork and streamline the surfclam permitting process
ENV-19-17-00003-P	06/30/18	Part 232 regulates entities that operate dry cleaning machines.	Repeal and replace Part 232 to reduce alternative solvent and perc emissions.
ENV-22-17-00001-EP	05/31/18	Regulations governing the recreational harvest of summer flounder	To revise regulations concerning the recreational harvest of summer flounder in New York State
ENV-28-17-00003-P	07/12/18	Management of crustaceans, horseshoe crabs (HSC) and whelk; protection of terrapin	Modify rules on terrapin excluder device, HSC harvest limit and whelk reporting

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-49-17-00005-P	12/06/18	Bay Scallop Size Limit	Clarify current size limit provisions for the taking of bay scallops
ENV-49-17-00006-P	12/06/18	Climate Smart Communities Projects	Adoption of regulations required by statute to implement climate smart communities projects
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-11-17-00003-P	03/15/18	Continuing Care Retirement Communities	Amend rules related to permitted investments, financial transactions, reporting requirements and add new optional contract type
DFS-18-17-00020-P	05/03/18	Establishment And Operation Of Market Stabilization Mechanisms For Certain Health Insurance Markets	To allow for the implementation of a market stabilization pool for the small group health insurance market
DFS-25-17-00002-EP	06/21/18	Minimum standards for form, content and sale of health insurance, including standards of full and fair disclosure	To ensure coverage for essential health benefits in all individual, small group, and student accident and health policies
DFS-39-17-00002-P	09/27/18	Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	Provide a formulary exception process for medication for the detoxification or maintenance treatment of a substance use disorder
DFS-40-17-00003-P	10/04/18	Registration Requirements and Prohibited Practices for Credit Reporting Agencies	To address deficient practices of consumer credit reporting agencies and protect user of and the market for financial services
DFS-52-17-00001-P	12/27/18	Special Risk Insurance	To update Section 16.12(e) to incorporate changes and additions to class 2 risks introduced by 5/10/17 Public Notice
DFS-52-17-00020-P	12/27/18	Suitability in Life Insurance and Annuity Transactions	Establish suitability standards for life insurance and clarify that a transaction must be in the best interest of the consumer.
GAMING COMMISSION, NEW YORK STATE			
*SGC-45-16-00004-RP	02/07/18	Anti-stacking of NSAIDs and diclofenac made a 48 hour NSAID	To enable the Commission to preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-07-17-00009-P	02/15/18	Public Water Systems	To incorporate federal rules and revisions to Public Health Law
HLT-20-17-00013-P	05/17/18	Lead Testing in School Drinking Water	Requires lead testing and remediation of potable drinking water in schools

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-28-17-00009-P	08/17/18	Early Intervention Program	To conform existing program regulations to federal regulations and state statute
HLT-38-17-00001-P	09/20/18	Trauma Centers	Requires hospitals to be verified by the American College of Surgeons Committee to be designated trauma centers by the Dept.
HLT-43-17-00001-EP	10/25/18	Medical Use of Marihuana	To allow certain defined facilities to become a designated caregiver for a certified patient in NYS's Medical Marihuana Program
HLT-49-17-00002-P	12/06/18	Food and Beverages in Funeral Establishments	To lift the ban of the consumption of food and beverages in funeral establishments
INFORMATION TECHNOLOGY SERVICES, OFFICE OF			
ITS-52-17-00002-P	12/27/18	Implementing the Electronic Signatures and Records Act	Correcting outdated references to the name of ITS and the physical address of the Property Records Industry Association (PRIA)
ITS-52-17-00003-P	12/27/18	Concerning State Agency Internet posting of application forms	Correcting outdated references to the former name of ITS, and the Governor's Office of Regulatory Reform (GORR)
ITS-52-17-00004-P	12/27/18	Providing public access to the records of the Office of Information Technology Services	Correcting outdated references to the name of ITS, a job title in the ITS Division of Legal Affairs; and gender references
ITS-52-17-00005-P	12/27/18	Providing access to personal information	To correct outdated references to the name of ITS and a job title in the ITS Division of Legal Affairs
JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
JPE-34-17-00003-P	08/23/18	Comprehensive lobbying regulations	To set forth comprehensive lobbying regulations that implement the provisions of the Lobbying Act
JPE-34-17-00004-P	08/23/18	Source of funding reporting.	To make consistent with the new comprehensive lobbying regulations at Part 943 and clarify exemption procedures.
JPE-42-17-00003-P	10/18/18	Financial disclosure statements	To add a right of appeal to provisions governing exemptions related to filing a financial disclosure statement
LABOR, DEPARTMENT OF			
LAB-47-17-00011-P	11/22/18	Employee Scheduling (Call-In Pay)	To strengthen existing call-in pay protections involving employee scheduling
LIQUOR AUTHORITY, STATE			
LQR-35-17-00002-P	10/25/18	Updated price posting rules, and recordkeeping requirements, and repeal of license durations and whiskey dividend rules	To update price posting rules, and recordkeeping requirements, and repeal of license duration rules and whiskey dividend rules

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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-41-17-00010-P	 exempt	The undergrounding provisions of the Authority's Tariff for Electric Service	To offer local communities a mechanism for financing the additional cost of undergrounding projects
LPA-41-17-00011-P	 exempt	The remote meter reading provisions of the Authority's Tariff for Electric Service	To eliminate charges for remote meter reading
LPA-41-17-00012-P	 exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To update the Authority's net energy metering provisions consistent with the rest of New York State
MENTAL HEALTH, OFFICE OF			
OMH-31-17-00001-P	 08/02/18	Early and Periodic Screening, Diagnostic and Treatment Services for Children	To promote the expansion of behavioral health services for children and youth under 21 years of age
OMH-51-17-00001-P	 12/20/18	Operation of Licensed Housing Programs for Children and Adolescents with Serious Emotional Disturbances	To repeal Section 594.8 of Title 14 NYCRR and replace it with a clarified revised version.
MOTOR VEHICLES, DEPARTMENT OF			
MTV-26-17-00003-EP	 06/28/18	Insurance requirements for TNC vehicles	Technical amendment regarding insurance requirements for TNC vehicles
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	 exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	 exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-01-18-00004-EP	 exempt	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders
NIAGARA FRONTIER TRANSPORTATION AUTHORITY			
NFT-23-17-00016-P	 06/07/18	Procurement Guidelines of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc.	To amend Procurement Guidelines to reflect changes in law, clarifying provisions and change signing authority level

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-48-17-00010-P	11/29/18	Clarification of Assessment of Functional and Health-Related Needs	To clarify requirements for an Assessment of Functional and Health-Related Needs in Person Centered Planning regulations
PDD-51-17-00005-EP	12/20/18	SNAP Benefit Offset	To update the SNAP benefit offset and the amount that each individual must pay to providers.
PDD-51-17-00006-EP	12/20/18	Site Based and Community Based Prevocational Services	To clarify site-based and community-based services and clarify reimbursement requirements
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	exempt	Temporary protective order	To consider adopting a protective order

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-04-00008-P	 exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	 exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	 exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	 exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	 exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	 exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	 exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	 exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	 exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	 exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	 exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	 exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	 exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	 exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	 exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	 exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-09-05-00009-P	 exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	 exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	 exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	 exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	 exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	 exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	 exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	 exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	 exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	 exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	 exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	 exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	 exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	 exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	 exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	 exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-06-00023-P	 exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	 exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	 exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	 exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	 exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	 exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	 exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	 exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	 exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	 exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	 exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	 exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	 exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	 exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	 exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	 exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-08-00009-P	 exempt	The transfer of certain real property with an original cost under \$100,000 in the Town of Throop	To consider the filing for the transfer of certain real property in the Town of Throop
*PSC-25-08-00007-P	 exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	 exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	 exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	 exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	 exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	 exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	 exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	 exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	 exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	 exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	 exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	 exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	 exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	 exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	 exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-08-00009-P	 exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	 exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	 exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	 exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	 exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	 exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	 exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	 exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	 exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	 exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	 exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	 exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	 exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	 exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	 exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-09-00006-P	 exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	 exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	 exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	 exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	 exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	 exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	 exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	 exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	 exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	 exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	 exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	 exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	 exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	 exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	 exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-25-10-00015-P	 exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2009	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2009
*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-31-10-00007-P	 exempt	Waiver of the Attachment 23 requirement in 2001 Rate Order that NMPC Board of Directors consist of "outside directors"	To consider the waiver of the requirement that a majority of NMPC Board of directors consist of "outside directors"
*PSC-34-10-00003-P	 exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	 exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	 exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	 exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	 exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	 exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	 exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	 exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	 exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	 exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-44-10-00003-P	 exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	 exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	 exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-12-11-00008-P	 exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2010	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2010
*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-13-11-00007-P	 exempt	Budget allocations and use of System Benefits Charge funds to pay State Cost Recovery Fee	To encourage cost effective gas and electric energy conservation in the State
*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-16-11-00011-P	 exempt	The Energy Efficiency Portfolio Standard	To promote gas and electricity energy conservation programs in 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-23-11-00018-P	 exempt	NYSERDA's energy efficiency program for low-income customers	To promote energy conservation in New York State
*PSC-26-11-00007-P	 exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	 exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	 exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	 exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-51-11-00010-P	 exempt	The Total Resource Cost (TRC) test, used to analyze measures in the Energy Efficiency Portfolio Standard program	Petitioners request that the TRC test and/or its application to measures should be revised
*PSC-01-12-00007-P	 exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	 exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	 exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	 exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	 exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-12-00005-P	 exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00019-P	 exempt	EEPS programs administered by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation	To modify the C&I sector by combining multiple approved C&I programs into a single C&I program for each PA
*PSC-19-12-00022-P	 exempt	Approval of a combined heat and power performance program funding plan administered by NYSERDA	Modify NYSERDA's EEPS programs budget and targets to fund the CHP program
*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-23-12-00005-P	 exempt	EEPS multifamily programs administered by Consolidated Edison Company of New York, Inc.	To redesign the multifamily electric and gas programs and modify the budgets and targets
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-12-00008-P	 exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	 exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	 exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	 exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	 exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	 exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	 exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	 exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	 exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	 exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-17-13-00008-P	 exempt	Provision of historical utility pricing information for comparison purposes for residential ESCO customers	Provision of historical utility pricing information for comparison purposes for residential ESCO customers
*PSC-17-13-00010-P	 exempt	Provision of historical pricing information for comparison purposes for residential ESCO customers	Provision of historical pricing information for comparison purposes for residential ESCO customers
*PSC-18-13-00007-P	 exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	 exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	 exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	 exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-13-00009-P	 exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	 exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	 exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	 exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	 exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	 exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	 exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	 exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	 exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	 exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	 exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00010-P	 exempt	Permission to write off and eliminate record keeping for regulatory reserves for Pensions and Other Post Retirement Benefits	To allow write off and eliminate record keeping of Pension and Other Post Retirement Benefits Reserves
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-13-00007-P	 exempt	Dissolution of Garrow Water Works Company, Inc..	To allow for the dissolution of Garrow Water Works Company, Inc.
*PSC-39-13-00010-P	 exempt	NY-Sun initiative within the Customer-Sited Tier of the RPS Program.	To increase the statewide adoption of customer sited photovoltaic solar generation through the NY-Sun Initiative.
*PSC-42-13-00013-P	 exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	 exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	 exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	 exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	 exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	 exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	 exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	 exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	 exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	 exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	 exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*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).

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-04-14-00005-P	 exempt	National Fuel Gas Corporation's Conservation Incentive Programs.	To modify National Fuel Gas Corporation's Non-Residential Conservation Incentive Program.
*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 HDPC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	 exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	 exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	 exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	 exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	 exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	 exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-16-14-00016-P	 exempt	Waiver of Commission regulations governing termination of service.	Consider United Water New York Inc.'s proposal to expand termination of service provisions.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-19-14-00018-P	 exempt	Uniform System of Accounts, deferral of an expense item	Authorization of a deferral for an expense item beyond the end of the year in which it was incurred
*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-26-14-00010-P	 exempt	Petitioner requests an order authorizing its participation in the next Main Tier solicitation offered under the RPS Program.	To enable continued operation of a 21 MW biomass fueled electric generating facility in Chateaugay, New York.
*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-26-14-00017-P	 exempt	Existing ratemaking and rate design practices will be revised with a focus on outcomes and incentives.	To use the Commission's ratemaking authority to foster a DER-intensive system.
*PSC-26-14-00020-P	 exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	 exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	 exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	 exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00025-P	 exempt	Allocation of uncommitted Technology and Market Development Funds to the Combined Heat & Power Performance Program.	To consider allocation of uncommitted Technology & Market Development Funds to the Combined Heat & Power Performance Program.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-34-14-00009-P	 exempt	Whether to approve the Quadlogic S10N residential submeter.	Approval of the Quadlogic S10N Smart Meter for use in residential electric submetering is required by 16 NYCRR Parts 93 and 96.
*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-36-14-00010-P	 exempt	The procurement of Main Tier renewable resources will become the responsibility of the State's electric utilities.	To ensure the development of large-scale renewables in New York State to promote fuel diversity and reduce carbon emissions.
*PSC-36-14-00011-P	 exempt	To defer pension settlement losses associated with retirements in the year ended March 31, 2014.	To resolve the ratemaking of the pension settlement loss.
*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-38-14-00018-P	 exempt	New electric utility demand response tariffs may be adopted.	To develop mature DER markets by enabling the development and use of DR as an economic system resource.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-14-00008-P	 exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	 exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	 exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	 exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	 exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	 exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	 exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	 exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	 exempt	Considering the recommendations contained in Staff' s electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	 exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	 exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00009-P	 exempt	Approval of a surcharge.	To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge.
*PSC-08-15-00010-P	 exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	 exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*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-10-15-00009-P	 exempt	Contingency Tariffs regarding demand response issues	To consider Contingency Tariffs regarding demand response issues

Agency I.D. No.		Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION				
*PSC-12-15-00007-P	.....	exempt	The Annual Reconciliation of Gas Expenses and Gas Cost Recoveries codified at Title 16 NYCRR Section 720.6.5	Examine the Annual Reconciliation of Gas Expenses and Gas Cost Recoveries mechanism
*PSC-13-15-00024-P	.....	exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	.....	exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	.....	exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	.....	exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	.....	exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	.....	exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	.....	exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	.....	exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	.....	exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	.....	exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	.....	exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	.....	exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-27-15-00014-P	.....	exempt	Authorization for NYAW to accrue interest on internal reserve debit balances	To allow NYAW to accrue interest on internal reserve debit balances
*PSC-29-15-00018-P	.....	exempt	Approval of ratemaking related to amendment a certificate of public convenience and necessity	To approve or reject the ratemaking aspects of SLG's petition to amend its certificate of public convenience and necessity
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-32-15-00012-P	 exempt	Proposed standards for Commission oversight of Distributed Energy Resource suppliers.	To consider proposed standards for Commission oversight of Distributed Energy Resource suppliers.
*PSC-33-15-00009-P	 exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	 exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	 exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	 exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	 exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	 exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-41-15-00005-P	 exempt	Intergrow disputes National Grid's revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Intergrow for the new interconnection is appropriate
*PSC-41-15-00009-P	 exempt	Main Tier of the Renewable Portfolio Standard program	To consider allocating funding from the Main Tier to an eligible hydroelectric facility
*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-44-15-00030-P	 exempt	System Improvement Plan mechanism	To consider Bath's petition to implement a SIP mechanism
*PSC-47-15-00013-P	 exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00010-P	 exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.
*PSC-48-15-00011-P	 exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	 exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	 exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-15-00010-P	 exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00002-P	 exempt	Revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Tiashoke for the upgraded service is appropriate
*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-04-16-00011-P	 exempt	Investigation that certain practices of Central Hudson Gas and Electric Corporation resulted in violations of HEFPA.	To consider the Petition of Nobody Leaves Mid-Hudson to investigate Central Hudson for claims of HEFPA violations.
*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-06-16-00010-P	 exempt	Lakewood disputes National Grid's revenue assurance calculations, specifically the duration used.	To consider whether the revenue assurance National Grid is requiring of Lakewood for the new interconnection is appropriate.
*PSC-06-16-00012-P	 exempt	Inclusion of a Farm and Food Community program in the community distributed generation program.	To consider the inclusion of a Farm and Food Community program in the community distributed generation program.
*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-07-16-00016-P	 exempt	Use of the Electro Industries Shark 200 electric submeter in residential applications	To consider the use of the Electro Industries Shark 200 submeter
*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-15-16-00012-P	 exempt	Adequate service of Verizon New York, Inc.	To consider the adequacy of Verizon New York Inc.'s service quality
*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-22-16-00011-P	 exempt	Petition for rehearing of the Order Modifying Standardized Interconnection Requirements and alternative enforcement mechanisms.	To ensure compliance with the Standardized Interconnection Requirements.
*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-25-16-00024-P	 exempt	Pole Attachment Rules.	To determine that the Commission's existing pole attachment rules apply to wireless providers.
*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-29-16-00025-P	 exempt	Proposed modifications to gas safety violations metric adopted in Case 12-G-0202.	To consider NMPC's petition to modify gas safety violations metric.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-36-16-00003-P	 exempt	Petition regarding the Commission's July 14, 2016 Order Denying Petition.	To consider the terms and conditions of utility service received by Fastrac Markets, LLC.
*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-40-16-00013-P	 exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
*PSC-40-16-00014-P	 exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
*PSC-40-16-00017-P	 exempt	Request for waiver of 16 NYCRR sections 96.5(a) and 96.6(b)	To consider the request for waiver of 16 NYCRR sections 96.5(a) and 96.6(b)
*PSC-40-16-00019-P	 exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
*PSC-40-16-00021-P	 exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
*PSC-40-16-00025-P	 exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-40-16-00026-P	 exempt	Compliance filing establishing an interruptible gas service sales rate.	To consider RG&E's proposed revisions to establish an interruptible gas service sales rate.
*PSC-42-16-00014-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-44-16-00015-P	 exempt	Surcharge to recover costs of Dynamic Load Management Programs	To consider a surcharge to recover costs of the Dynamic Load Management Programs
*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-49-16-00005-P	 exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-02-17-00010-P	 exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-02-17-00012-P	 exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
PSC-03-17-00003-P	 exempt	Good Energy, L.P.'s Community Choice Aggregation Implementation Plan and Data Protection Plan.	To ensure appropriate consumer protections.
PSC-07-17-00019-P	 exempt	Deferral and recovery of incremental costs	To consider deferring costs related to water main leak repairs for subsequent recovery
PSC-08-17-00007-P	 exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 327 Central Park West, New York, New York.
PSC-12-17-00012-P	 exempt	Amendments to the UBP.	To consider amendments to the UBP.
PSC-12-17-00017-P	 exempt	Amendments to the UBP.	To consider the petition for amendments to the UBP.
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-18-17-00025-P	 exempt	A petition for rehearing or reconsideration of the Order on Remand Denying Refunds.	To determine whether IPANY and individual pay telephone providers are entitled to refunds from Verizon New York Inc.
PSC-18-17-00026-P	 exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
PSC-18-17-00027-P	 exempt	A petition for rehearing or clarification of the March 9, 2017 Order.	To determine appropriate treatment of submetered energy users in community distributed generation programs.
PSC-18-17-00028-P	 exempt	A petition for rehearing, reconsideration, or clarification of the March 9, 2017 Order.	To determine appropriate treatment of environmental attributes related to distributed energy resources.
PSC-18-17-00033-P	 exempt	Use of the ROMET AdEM-T volumetric corrector.	To consider the use of the ROMET AdEM-T volumetric corrector.
PSC-18-17-00034-P	 exempt	Use of the ROMET AdEM-PTZ volumetric corrector.	To consider the use of the ROMET AdEM-PTZ volumetric corrector.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-21-17-00012-P	 exempt	Compensation for distributed generation systems located at farms.	To consider appropriate compensation and policies for distributed generation systems located at farms.
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-22-17-00006-P	 exempt	Revisions to the delivery discount and monthly customer charge for SC No. 3 and the commodity price for SC 15	To consider revisions to the delivery discount and monthly customer charge for SC No. 3 and the commodity price for SC 15
PSC-22-17-00007-P	 exempt	Certain Commission requirements related to blockable central office codes	To consider a change to certain Commission requirements related to blockable central office codes
PSC-22-17-00008-P	 exempt	Petition to submeter electricity and waiver request	To consider the petition to submeter electricity at 412-14 East 10th Street, New York, New York and waiver of 16 NYCRR § 96.2(b)
PSC-23-17-00021-P	 exempt	Petition to transfer cable systems.	To consider Nicholville et. al.'s request to transfer cable systems in an internal restructuring.
PSC-23-17-00022-P	 exempt	Changes in regulation of ESCOs, including restrictions on or prohibitions of marketing or offering certain products or services.	To ensure consumer protection for ESCO customers.
PSC-24-17-00006-P	 exempt	Development of the Utility Energy Registry.	Improved data access.
PSC-24-17-00014-P	 exempt	An alternative methodology for calculating billing adjustments.	To consider an alternative methodology for calculating billing adjustments.
PSC-25-17-00005-P	 exempt	Minor rate filing	To consider an increase in annual revenues by \$154,329 or 116%
PSC-25-17-00006-P	 exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of The Charles Condominiums, LLC to submeter electricity at 1355 First Avenue, New York, NY
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-27-17-00014-P	 exempt	Major electric rate filing.	To consider an increase in NMPC's electric delivery revenues by approximately \$326 million (or 13.0% in total revenues).
PSC-27-17-00017-P	 exempt	Major gas rate filing.	To consider an increase in NMPC's gas delivery revenues by approximately \$81 million (14.0% in total revenues).

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-29-17-00006-P	 exempt	Petition to submeter gas.	To consider the petition of LaGuardia Gateway Partners, to submeter gas at LaGuardia Airport Central Terminal B, Flushing, NY.
PSC-30-17-00031-P	 exempt	Proposed tariff filing to implement electric rate options on a pilot basis for the Energy Smart Community Project.	To consider tariff revisions implementing electric rate options on a pilot basis for the Energy Smart Community Project.
PSC-31-17-00007-P	 exempt	Notice of intent to submeter electricity	To consider the notice of intent of 685 First Realty Company, LLC to submeter electricity at 685 1st Avenue, New York, New York
PSC-31-17-00010-P	 exempt	Notice of intent to submeter electricity	To consider the notice of intent of 11737 Owners Corp. to submeter electricity at 117 East 37th Street, New York, New York
PSC-31-17-00011-P	 exempt	Notice of intent to submeter electricity and waiver request	To consider the notice of intent to submeter electricity and waiver request of 16 NYCRR § 96.5(k)(3)
PSC-31-17-00012-P	 exempt	Minor rate filing.	To consider an increase in annual revenues of about \$304,629 or 14%.
PSC-32-17-00006-P	 exempt	Petition to amend bill estimation procedures for AMI.	To consider the petition of Con Edison to amend its current bill estimation procedures for AMI.
PSC-32-17-00007-P	 exempt	Petition to amend bill estimation procedures for AMI.	To consider the petition of Orange and Rockland to amend its current bill estimation procedures for AMI.
PSC-32-17-00011-P	 exempt	Minor rate filing.	To consider an increase in annual revenues of about \$625,974 or 14.6%.
PSC-33-17-00012-P	 exempt	Notice of intent to submeter electricity.	To consider the notice of intent of BOP Greenpoint G LLC to submeter electricity at 37 Blue Slip, Brooklyn, New York.
PSC-33-17-00013-P	 exempt	The obligation of electric utilities to pay for the extension of electric service to residential developments.	To consider if National Grid should change its practices and compensate the petitioners for past charges.
PSC-33-17-00015-P	 exempt	Electric energy storage systems to import from and export to Con Edison's distribution system.	To consider revisions to P.S.C. No. 10 - Electricity related to electric energy storage systems.
PSC-33-17-00016-P	 exempt	Gas service to power generators.	To consider proposals in the report regarding service to power generators and related proposed tariff revisions.
PSC-33-17-00017-P	 exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Bridge Land Vestry LLC to submeter electricity at 70 Vestry Street, New York, New York.
PSC-33-17-00020-P	 exempt	Gas service to power generators.	To consider proposals in the report regarding service to power generators and related proposed tariff revisions.
PSC-33-17-00021-P	 exempt	Notice of intent to submeter electricity.	To consider the notice of intent of 1 DSA Owner LLC to submeter electricity at 242 Broome Street, New York, New York.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-34-17-00005-P	 exempt	Proposed electric and gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's electric and gas portfolios for the years 2017-2020
PSC-34-17-00006-P	 exempt	Proposed gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's gas portfolio for the years 2017-2020
PSC-34-17-00007-P	 exempt	Proposed electric and gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Companies' electric and gas portfolios for 2019-2020
PSC-34-17-00008-P	 exempt	Proposed electric and gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's electric and gas portfolios for 2019-2020
PSC-34-17-00009-P	 exempt	Proposed electric and gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's electric and gas portfolios for the years 2018-2020
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-34-17-00012-P	 exempt	Proposed electric and gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's electric and gas portfolios for the years 2017-2020
PSC-34-17-00013-P	 exempt	Proposed gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's gas portfolio for the years 2017-2020
PSC-34-17-00014-P	 exempt	Proposed gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's gas portfolio for the years 2017-2020
PSC-34-17-00017-P	 exempt	Use of the Honeywell Mercury EC350 volumetric corrector in gas metering applications	To consider the use of the Honeywell Mercury EC350 volumetric corrector in gas metering applications
PSC-34-17-00018-P	 exempt	Use of the Artech UCE-7, URJ-17, VCE-17 and CRB-17 transformers in electric metering applications	To consider the use of the Artech UCE-7, URJ-17, VCE-17 and CRB-17 transformers in electric metering applications
PSC-34-17-00019-P	 exempt	Development of an aggregation standard for release of whole-building energy data to building owners	Improved energy data access to support state energy efficiency and demand reduction goals
PSC-36-17-00008-P	 exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 233 Landing Road, Bronx, New York and waiver request.
PSC-36-17-00009-P	 exempt	Clarification of the Commission's Order Extending the BQDM Program.	To consider Con Edison's petition for clarification of the Commission's Order Extending BQDM Program.
PSC-36-17-00010-P	 exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of The Heritage Dean Street, LLC, to submeter electricity at 470 Dean St, Brooklyn, New York.
PSC-36-17-00011-P	 exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 229 Cherry Street, New York, New York and waiver request.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-36-17-00012-P	 exempt	Petition to amend bill estimation procedures for AMI.	To consider the petition of Con Edison to amend its current bill estimation procedures for AMI.
PSC-37-17-00004-P	 exempt	Community Distributed Generation compensation after Tranche 3.	To encourage the development of distributed energy resources while managing impacts on non-participants.
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-37-17-00007-P	 exempt	Lifeline Service that offers a discounted rate to service to qualifying low income consumers.	To consider changes to the Commission's requirements related to eligibility for the supplemental New York Lifeline discount.
PSC-37-17-00009-P	 exempt	Fishers Island Water Works Corporation's rates for the provision of water.	To consider an increase in Fishers Island Water Works Corporation's annual water revenues by approximately \$296,031 or 44.5%.
PSC-39-17-00007-P	 exempt	Rider Q - Standby Rate Pilot.	To consider the implementation of Rider Q - Standby Rate Pilot.
PSC-39-17-00008-P	 exempt	Petition to submeter electricity and waiver request.	To consider the petition to submeter electricity and waiver request of 16 NYCRR § 96.5(k)(3).
PSC-39-17-00009-P	 exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest.	To consider the terms of a service agreement and waiver.
PSC-39-17-00010-P	 exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
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-40-17-00004-P	 exempt	Notice of intent to submeter electricity and waiver request	To consider the notice of intent to submeter electricity and waiver of 16 NYCRR § 96.5(k)(3)
PSC-40-17-00005-P	 exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on Flanders for its apparent non-compliance with Commission requirements
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-40-17-00007-P	 exempt	Notice of intent to submeter electricity	To consider the notice of intent of CPS Fee Company LLC to submeter electricity
PSC-40-17-00010-P	 exempt	Eligibility for Value of Distributed Energy Resource tariffs	To encourage the development of distributed energy resources while managing impacts on non-participants

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-41-17-00003-P	 exempt	Petition to submeter electricity.	To consider the petition of Hillside Association, Inc. to submeter electricity at 566 44th Street, Brooklyn, New York.
PSC-41-17-00005-P	 exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Sandy 350 LLC to submeter electricity at 350 Clarkson Avenue, Brooklyn, New York.
PSC-41-17-00006-P	 exempt	Major electric rate filing.	To consider an increase in CHG&E's electric delivery revenues by approximately \$43 million (or 7.9% in total revenues).
PSC-41-17-00007-P	 exempt	Major gas rate filing.	To consider an increase in CHG&E's gas delivery revenues by approximately \$18.1 million (or 12.3% in total revenues).
PSC-41-17-00008-P	 exempt	Petition to submeter electricity.	To consider the petition of 1115 Fifth Avenue Corporation to submeter electricity at 1115 Fifth Avenue, New York, New York.
PSC-42-17-00004-P	 exempt	NYSRC's revisions to its rules and measurements.	To consider revisions to various rules and measurements of the NYSRC.
PSC-42-17-00005-P	 exempt	Complaint for review of rates charged for water service to commercial and residential customers of water works corporation.	To consider the complaint filed on January 3, 2017 by Bristol customers.
PSC-42-17-00006-P	 exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 45 John NY LLC to submeter electricity at 45 John Street, New York, New York.
PSC-42-17-00007-P	 exempt	Ampersand Kayuta Lake Hyrdo, LLC's 460 kW hydroelectric facility in Boonville, New York.	To promote and maintain renewable electric energy resources.
PSC-42-17-00008-P	 exempt	Ampersand Chasm Falls Hydro, LLC's 1.6 MW hydroelectric facility in Chateaugay, New York	To promote and maintain renewable electric energy resources.
PSC-42-17-00009-P	 exempt	To obtain a letter of credit and increase the currently capped debt.	To consider the Petitioner's request for a letter of credit and increase the currently capped debt.
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-43-17-00003-P	 exempt	Notice of intent to submeter electricity and waiver request	To consider the notice of intent to submeter electricity and waiver request
PSC-43-17-00004-P	 exempt	ReEnergy Lyonsdale, LLC's 22 MW biomass facility located in Lewis County, New York	To promote and maintain renewable electric energy resources
PSC-44-17-00011-P	 exempt	Implementation of program rules for Renewable Energy Standard (RES) and Zero-Emission Credit (ZEC) requirement.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-45-17-00004-P	 exempt	Interval data charges for ESCOs.	To consider the elimination of interval data charges for ESCOs.
PSC-45-17-00005-P	 exempt	Existing baseline resources under Tier 2 of the Renewable Energy Standard Program.	To promote and maintain renewable and zero-emission electric energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-45-17-00006-P	 exempt	Arrow Park, Inc.'s rates for the provision of water.	To consider an increase in Arrow Park, Inc.'s annual water revenues by approximately \$11,200 or 62.06%.
PSC-45-17-00007-P	 exempt	Request for waiver of the individual metering requirements of 16 NYCRR Part 96.	To consider the request for waiver of the individual metering requirements of 16 NYCRR Part 96.
PSC-45-17-00008-P	 exempt	Major water rate filing.	To consider an increase in SUEZ O-N's annual revenue requirement by approximately \$600,000, or 33.4%.
PSC-46-17-00004-P	 exempt	Drift Marketplace, Inc.'s petition for rehearing	To consider the petition for rehearing filed by Drift Marketplace, Inc.
PSC-46-17-00005-P	 exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
PSC-46-17-00006-P	 exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
PSC-46-17-00007-P	 exempt	Petition to issue unsecured debt obligations	To consider the Company's request to issue unsecured debt obligations
PSC-46-17-00008-P	 exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on MPower for its apparent non-compliance with Commission requirements
PSC-46-17-00009-P	 exempt	Requirements pertaining to inspections and reporting on plastic fusions installed in gas company service territories	To clarify prior requirements and establish new requirements for plastic fusion qualifications and inspections
PSC-46-17-00010-P	 exempt	Compliance with plastic fusion requirements	To consider requiring NFG to comply with current and new plastic fusion requirements and report compliance failures
PSC-46-17-00011-P	 exempt	M&R Energy Resource Corp.'s petition for rehearing	To consider the petition for rehearing filed by M&R Energy Resource Corp.
PSC-46-17-00012-P	 exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
PSC-46-17-00013-P	 exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
PSC-46-17-00014-P	 exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
PSC-47-17-00010-P	 exempt	Con Edison's petition for approval of the Smart Solutions for Natural Gas Customers Program.	To consider Con Edison's multi-solution strategy to decrease gas usage and procure alternative resources.
PSC-48-17-00011-P	 exempt	Petition to submeter electricity and waiver request.	To consider the petition to submeter electricity and waiver request of 16 NYCRR § 96.5(k)(3).

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-48-17-00012-P	 exempt	The extension of the compensation term for certain community distributed generation projects.	To determine the appropriate compensation term for certain community distributed generation projects.
PSC-48-17-00013-P	 exempt	VDER Tranche allocations and policies.	To consider modifications to VDER Tranche allocations and policies.
PSC-48-17-00014-P	 exempt	The SATEC Branch Feeder Monitor II electric submeter.	To consider the SATEC Branch Feeder Monitor II electric submeter for use in New York State.
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-48-17-00016-P	 exempt	Petition for rehearing of the Commission order.	To consider New Rochelle Home Owners Association's petition for rehearing.
PSC-48-17-00017-P	 exempt	To issue long-term indebtedness, preferred stock and hybrid securities and to enter into derivative instruments.	To consider New York State Electric & Gas Corporation's finance transactions.
PSC-48-17-00018-P	 exempt	Transfer of certain street lighting facilities.	To consider the transfer of certain street lighting facilities from NYSEG to the Town of Bedford.
PSC-49-17-00008-P	 exempt	Merger and associated cessation of operations	To consider Vernon and Oriskany Falls' petition seeking approval of a merger
PSC-49-17-00009-P	 exempt	Part of the Tier 2 Maintenance Tier Program in the RES of the CES	To promote and maintain renewable electric energy resources
PSC-49-17-00010-P	 exempt	Minor rate filing	To consider an increase in annual revenues of about \$300,000 or 5.2%
PSC-50-17-00016-P	 exempt	Joule Assets, Inc.'s Community Choice Aggregation Implementation Plan.	To ensure appropriate consumer protections.
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-50-17-00020-P	 exempt	Administrative costs and funding sources for the RES and ZEC programs.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-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-50-17-00023-P	 exempt	Notice of intent to submeter electricity.	To consider the notice of intent to submeter electricity and waiver request.
PSC-51-17-00007-P	 exempt	Opt-out tariff regarding installation of advanced digital metering devices in Central Hudson's service territory.	To determine the appropriate opt-out provisions for Central Hudson customers regarding advanced digital metering devices.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-51-17-00008-P	 exempt	Petition to submeter electricity.	To consider the petition of 305 East 24th Owners Corp. to submeter electricity.
PSC-51-17-00009-P	 exempt	Consideration of Con Edison's proposed Implementation Plan.	To consider Con Edison's Implementation Plan and appropriate design of the utility-owned Shared Solar Pilot Program.
PSC-51-17-00010-P	 exempt	Transfer certain street lighting facilities to the Town of Owego.	To consider the transfer of certain street lighting facilities from NYSEG to the Town of Owego.
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-51-17-00012-P	 exempt	Rider T - Commercial Demand Response Program.	To consider revisions to Rider T - CDRP.
PSC-51-17-00013-P	 exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-51-17-00014-P	 exempt	Transfer of control.	To consider Time Warner Cable Northeast's petition seeking approval of a transfer of cable television franchises.
PSC-51-17-00015-P	 exempt	Opt-out tariff regarding installation of advanced digital metering devices in Central Hudson's service territory.	To determine the appropriate opt-out provisions for Central Hudson customers regarding advanced digital metering devices.
PSC-51-17-00016-P	 exempt	Petition for waiver request of Opinion No. 76-17 and 16 NYCRR Part 96.	To consider the petition of Jericho Project for waiver request of Opinion No. 76-17 and 16 NYCRR Part 96.
PSC-52-17-00014-P	 exempt	Oversight and support of Clean Energy Fund and related NYSEDA activities	To support and monitor the deployment of clean energy technology
PSC-52-17-00015-P	 exempt	Development of an aggregation standard for release of customer usage information that protects the privacy of customers	Strike new balance between the benefit of making more aggregated data available and the need to maintain customer privacy
PSC-52-17-00016-P	 exempt	SUEZ O-N's rates of the Forest Park Systems for the provision of water	To consider an increase in SUEZ O-N's annual water revenues of the Forest Park Systems by approximately \$298,221 or 48.52%
PSC-52-17-00017-P	 exempt	Waiver of PSC regulations, 16 NYCRR § 86.3(a)(2); 86.3(b)(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-52-17-00018-P	 exempt	Daily Delivery Service (DDS) Program; Winter Bundled Sales Service (WBSS) and Managed Supply Service (MSS) Programs	To consider modifications to the DDS Program and the elimination of the expired WBSS and MSS Programs
PSC-52-17-00019-P	 exempt	Petition to submeter electricity	To consider the petition of Bruns Associates, LLC to submeter electricity
PSC-01-18-00006-P	 exempt	The New York State Reliability Council's establishment of an Installed Reserve Margin of 18.2%.	To consider an Installed Reserve Margin for the Capability Year beginning May 1, 2018, and ending April 30, 2019.
PSC-01-18-00007-P	 exempt	Proposed revisions to O&R's Distribution Load Relief Program (DLRP) cost recovery.	To consider whether O&R should recover DLRP costs from distribution customers only.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-01-18-00008-P	 exempt	Proposed revisions to the Dynamic Load Management Programs for the summer 2018 capability period.	To consider modifications to the Dynamic Load Management Programs and proposed draft tariffs.
PSC-01-18-00009-P	 exempt	Proposed revisions to NYSEG's Distribution Load Relief Program (DLRP) cost recovery.	To consider whether NYSEG should recover DLRP costs from distribution customers only.
PSC-01-18-00010-P	 exempt	The issuance of unsecured debt obligations.	To consider the Company's request to issue unsecured debt obligations.
PSC-01-18-00011-P	 exempt	Participation of low-income ratepayers in community distributed generation projects.	To consider methods to support participation of low-income ratepayers in community distributed generation projects.
PSC-01-18-00012-P	 exempt	Proposed revisions to Central Hudson's Distribution Load Relief Program (DLRP) cost recovery.	To consider whether Central Hudson should recover DLRP costs from distribution customers only.
PSC-01-18-00013-P	 exempt	Proposed revisions to RG&E's Distribution Load Relief Program (DLRP) cost recovery.	To consider whether RG&E should recover DLRP costs from distribution customers only.
PSC-01-18-00014-P	 exempt	Proposed revisions to National Grid's Distribution Load Relief Program (DLRP) cost recovery.	To consider whether National Grid should recover DLRP costs from distribution customers only.
STATE, DEPARTMENT OF			
DOS-32-17-00002-P	 08/09/18	Alarm installation, servicing and maintenance	Update current regulations for industry improvement and to make technical changes to existing text
DOS-52-17-00013-EP	 12/27/18	Establishment of the Identity Theft Prevention and Mitigation Program	To facilitate the timely provision of information and assistance to victims of identity theft
STATE UNIVERSITY OF NEW YORK			
SUN-06-17-00003-P	 02/08/18	proposed amendments to traffic and parking regulations at SUNY Binghamton	Amend existing regulations to update traffic and parking regulations
SUN-49-17-00004-EP	 12/06/18	College fees	To amend the College fees at SUNY's four university centers, as approved as part of the Broad Based Fee review process
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-37-17-00002-P	 09/13/18	Reference to forms required to file a petition or an exception with the Division of Tax Appeals	To delete parenthetical references to form numbers that are no longer in use, as the agency has updated and renumbered its forms
TAF-48-17-00004-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 January 1, 2018 through March 31, 2018.
TAF-49-17-00007-EP	 12/06/18	New York State, City of Yonkers and New York City withholding tables and other methods	To provide current New York State, City of Yonkers and New York City withholding tables and other methods
TAF-51-17-00002-EP	 12/20/18	Metropolitan Transportation Business Tax Surcharge	To provide metropolitan transportation business tax rate for tax year 2018.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-35-17-00005-P	 08/30/18	Application process for the Supplemental Nutrition Assistance Program (SNAP)	To align State regulations for SNAP application process with federal statutory and regulatory requirements and SNAP policy
WORKERS' COMPENSATION BOARD			
WCB-52-17-00021-P	 12/27/18	Establishment of Prescription Drug Formulary	Establishment of a drug formulary that includes high-quality and cost-effective preauthorized medication
WCB-01-18-00001-P	 01/03/19	Workers' Compensation Board - Option to Self-Insure for Jockey Fund	Creates the process for the Jockey Fund to self-insure for Workers' Compensation coverage

REGULATORY AGENDA

Department of Environmental Conservation

Introduction

Each year, pursuant to SAPA, the Department publishes a Regulatory Agenda in the State Register and on its website. This is a listing of the regulations that may be proposed for adoption or amendment within that calendar year.

Division of Air Resources

6 NYCRR Part 201 Permits and Registrations, Part 201 will be amended to make certain minor wording changes, correct typographical errors, and other minor corrections to ensure consistent implementation across regions. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Mark Lanzafame, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3255, (518) 402-8403. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Subpart 202, Emission Statements. Existing Subpart 202-2 will be revised to require electronic submission of annual Emission Statements beginning in 2021 (for calendar year 2020 emissions reporting) for facilities subject to Title V of the Clean Air Act. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Carlos Mancilla, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251, (518) 402-8396. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 203, Oil and Gas Sector Emissions. This is a new regulation to reduce criteria pollutants and methane emissions from the oil and gas sector. This regulation will address and expand upon EPA's control technique guideline. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Ona Papageorgiou, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251, (518) 402-8396. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 205, Architectural and Industrial Maintenance Coatings. The existing regulation will be revised to include additional and more restrictive volatile organic compound (VOC) limits. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Ona Papageorgiou, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251, (518) 402-8396. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 208, Landfill Gas Collection & Control Systems for Certain Municipal Solid Waste Landfills will be revised to include the federal emission guidelines at 40 CFR Part 60 Subpart Cf, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills. The revisions may also include additional measures that will assist in meeting the goals of the State's Methane Reduction Plan. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Daniel Brinsko, Department of Environmental

Conservation, 625 Broadway, Albany, NY 12233-3255, (518) 402-8403. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 212, Process Operations. This proposal will repeal subpart 212-4, Control of nitrogen oxides for hot mix asphalt production plants and create a new regulation (or expand 212-4, not decided yet) to specifically address the emissions of particulate, carbon monoxide, sulfur dioxide, NOx and High Toxicity Air Contaminants (HTAC) such as formaldehyde, benzene and polycyclic aromatic hydrocarbons. The proposed regulation will enact stricter requirements for new sources built after the applicability date while addressing the existing facilities with requirements that are easily interpreted from Region to Region. Also, Part 212-1, General Provisions, will be revised to allow for a second compliance option when a source owner is required to demonstrate compliance with a federal NESHAP (National Emissions Standard for Hazardous Air Pollutants) regulation which controls the emissions of High Toxicity Air Contaminants. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis and a Job Impact Analysis. Contact: Steven DeSantis, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251, (518) 402-8402. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 218, Emissions Standards for Motor Vehicles and Motor Vehicle Engines. The Department is considering revisions to 6 NYCRR Subpart 218-7, Aftermarket Parts, to clarify or amend aftermarket catalytic converter prohibitions that currently apply to 1993, 1994, 1996 and subsequent model-year light and medium duty vehicles. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Jeff Marshall, Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-3255, (518) 402-8292. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 219, Incinerators. Existing Subpart 219-4 will be amended to better reflect the current state of cremation technology and reduce emissions of particulate matter from new crematories constructed in the state. In addition, Division of Air will sunset existing Subparts 219-5 and 219-6 by requiring that existing units subject to these requirements be regulated by more stringent standards. Furthermore, a new Subpart 219-10 will be proposed to set a limit on nitrogen oxide (NOx) emissions from municipal waste combustors. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Mark Lanzafame, Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-3255, (518) 402-8403. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 222, Distributed Generation Sources. Pursuant to an Order by the Supreme Court of the State of New York dated July 26, 2017, the Department will develop a new rule to replace the rule adopted on November 1, 2016. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: John Barnes, Depart-

ment of Environmental Conservation, 625 Broadway, Albany, New York 12233-3255, (518) 402-8396. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Fuel. Revisions to this regulation were proposed in 2016. However, based on comments received during the public comment period, the Department decided that it would not be able to complete the rule making in the time allowed under the State Administrative Procedures Act. Therefore, the Department will propose a new rule making to address the significant comments received on the earlier proposal and include updated permitting references, updated rule citations, the incorporation of federal waste oil pollutant content limits, the updating of monitoring, recordkeeping, and reporting requirements, and the relocating of specific definitions from Subpart 225-2 to 6 NYCRR Part 200, General Provisions. The new regulation will redefine what emission sources are eligible to fire waste oil, either as a permitted or exempt emission source, and will lower the exempt source size eligibility threshold to match the size requirement in State and federal hazardous waste regulations. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Mike Jennings, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3255, (518) 402-8403. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 226, Solvent Metal Cleaning Processes. The existing regulation will be amended to remove "out-of-date" regulatory references, update work practices, and establish requirements that meet the federal control techniques guideline (CTG) for industrial cleaning solvents. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: John Henkes, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3255, (518) 402-8403. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Subpart 227-1, Stationary Combustion Installations. The existing regulation will be revised to remove "out-of-date" regulatory references, correct typographical errors, and update the permissible emission rates for particulate matter for both solid and liquid fuels. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Mike Jennings, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3255, (518) 402-8403. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Subpart 227-2, NOx RACT. A review of the NOx emission limits for peaking turbines will be conducted. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Ona Papageorgiou, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251, (518) 402-8396. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Subpart 228-1, Surface Coating Facilities. Existing Subpart 228-1 will be revised to lower the volatile organic compound limits for surface coatings used in motor vehicle and mobile equipment repair and refinishing. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Marie Barnes, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251, (518) 402-8396. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 230, Gasoline Dispensing Sites and Transport Vehicles. The existing rule will be amended to update and clarify testing requirements for gasoline dispensing sites (gas stations) and to conform more closely with new federal requirements and guidance. The proposed changes will also require prior notification to the Department for each test; as well as new vapor leak detection equipment; and remove Stage II requirements. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Denise Prunier,

Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3255, (518) 408-5574. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 231, New Source Review. The existing rule will be amended to conform to changes under the federal New Source Review (NSR) rule and the Supreme Court rulings. In particular, the Part 231 revisions will include changes to NSR applicability based on emissions of greenhouse gases (GHGs) and requirements for particulate matter or particles with an aerodynamic diameter less than or equal to 2.5 micrometers (PM-2.5). The definitions section in 6 NYCRR Part 200, General Provisions will also be revised to conform to the federal rule. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Steven Yarrington, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3254, (518) 402-8403. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 235, Consumer Products. The existing regulation will be updated to implement additional Volatile Organic Compound (VOC) product content limits. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Kenneth Newkirk, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251, (518) 402-8396. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 242, CO2 Budget Trading Program. The regulation will be amended, as necessary and appropriate, to be consistent with the Regional Greenhouse Gas Initiative's 2016 Program Review. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Laura Stevens, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251, (518) 402-8396. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Parts 243, 244, 245, Transport Rule. These existing regulations will be updated to give the Department of Environmental Conservation the authority to allocate allowances under the Cross-State Air Pollution Rule adopted by the Environmental Protection Agency (EPA). These rules will be submitted to EPA as revisions to the New York State Implementation Plan. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments. Contact: Marie Barnes, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251, (518) 402-8396. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 247, Outdoor Wood Boilers. The existing regulation will be updated to conform to the emission standards and certification requirements of the federal NSPS rule. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Kenneth Newkirk, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251, (518) 402-8396. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 251, CO2 Performance Standards for Major Electric Generating Facilities. The existing regulation will be amended to add carbon dioxide (CO2) emission limits applicable to existing electric generating facilities. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Laura Stevens, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251, (518) 402-8396. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 257, Air Quality Standards. Part 257, subparts 257-2 through 257-10, list the New York State Air Quality Standards (SAQS) promulgated by the Department over several decades. A number of these SAQS are outdated and have been superseded by Federal air quality standards and will be repealed or revised. The Department proposes to make the necessary changes to this regulation to achieve parity with federal standards and support its mission to preserve and protect air quality. This rule making will require a Regulatory Flex-

ibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis and a Job Impact Analysis. Contact: Steven DeSantis, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251, (518) 402-8402. E-mail: air.regs@dec.ny.gov Please include the Part number when emailing.

Division of Environmental Permits

6 NYCRR, Part 621, Uniform Procedure Act (UPA). Part 621 was last amended on October 14, 2009 with the last major changes having been made over one decade ago in 2006. Since that time several statutes and regulations that interface with Part 621 have been changed or amended. The Department proposes to update the main text of Part 621. Several minor changes and updates are proposed to align the text with the revised regulations. Also several minor clarifications and corrections are proposed to correct inaccurate references and clarify permitting procedures. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Kent Sanders, Department of Environmental Conservation, 625 Broadway, 4th Fl., Albany, NY 12233-1750, (518) 402-9168. E-mail: deppermitting@dec.ny.gov Please include the Part number when emailing.

Division of Environmental Remediation

6 NYCRR Parts 370, 371, 372, 373, 374, and 376, Hazardous Waste Management Regulations ('FedReg5'). This rule making will incorporate, as appropriate, (1) federal rules from January 2002 to present; (2) changes related to Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (MACT rules) from September 1999 to present; and (3) State-initiated changes, including clarification of language and corrections of errors found in the regulations. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Michelle Ching, Department of Environmental Remediation, 625 Broadway, Albany, NY 12233-7020, (518) 402-9553. E-mail: hwregs@dec.ny.gov Please include 'FedReg5' in the subject line when emailing.

6 NYCRR Parts 370, 371, 372, 373, 374 and 376, Hazardous Waste Management Regulations ('FedReg6'). This rule making will incorporate, as appropriate, six federal rules that were adopted between July 31, 2013 and November 28, 2016, which are: (1) Solvent-Contaminated Wipes Rule, published in Federal Register on July 31, 2013, which modifies provisions for laundering and reuse that are currently administered by Program Policy DSW-HW-03-09, 'Regulatory Status of Laundered Industrial Rags and Soiled Clothing'; (2) Carbon Dioxide Sequestration Rule, published in Federal Register on January 3, 2014, which provides a conditional exclusion for carbon dioxide streams in geological sequestration activities; (3) Electronic Manifest Rule, published in Federal Register on February 7, 2014, which provides the legal and policy framework to authorize use of electronic manifests; (4) Definition of Solid Waste Rule, published in the Federal Register on October 30, 2008 and revised on January 13, 2015, which revises the definition of solid waste to conditionally exclude certain hazardous secondary material destined for reclamation; (5) Export-Import Revisions Rule, published in the Federal Register on November 28, 2016, which updates notification requirements to include electronic filing; and (6) Generator Improvements Rule, also published in the Federal Register on November 28, 2016, which reorganizes and updates the regulations for hazardous waste generators. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Michelle Ching, Department of Environmental Remediation, 625 Broadway, Albany, NY 12233-7020, (518) 402-9553. E-mail: hwregs@dec.ny.gov Please include 'FedReg6' in the subject line when e-mailing.

6 NYCRR Part 375 (Subparts 375-1 to 375-4, and 375-6), Environmental Remediation Programs. The Department proposes to amend subparts 375-1 to 375-4, and 375-6 to (1) incorporate legislative mandates which modify the tax incentives offered under the Brownfield Cleanup Program (BCP); (2) incorporate the provision introduced in that legislation that a property is not eligible for the program unless the site "requires remediation," which will be defined in these regulations; (3) incorporate needed changes, clarifications, and modifica-

tions to the regulations based on the experience developed during the first decade of implementing the BCP. These changes will increase consistency across remedial programs administered by the Division of Environmental Remediation and provide the Department with the tools necessary to more effectively implement the programs; and (4) incorporate soil cleanup objective (SCO) changes, if any, resulting from the statutorily required five-year review. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: William Ottaway, Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233-7020, (518) 402-9553. E-mail: derweb@dec.ny.gov Please include 'Part 375' in the subject line when e-mailing.

6 NYCRR Part 384, Cleanup Criteria for Remediation of Sites Contaminated with Radioactive Material. This rule is being developed to adopt applicable sections of the federal Nuclear Regulatory Commission's (NRC) License Termination Rule (LTR), which establishes cleanup criteria for radiologically contaminated sites, and the Timeliness of Decommissioning Rule, which outlines necessary steps for the planning and implementing of site cleanups. Program staff are coordinating adoption of these rules with the Department of Health and the New York City Department of Health and Mental Hygiene to ensure compatibility, as they also have to adopt applicable sections of these federal rules. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Timothy Rice, Department of Environmental Remediation, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233-7255, (518) 402-8579. E-mail: Regs.Radiation@dec.ny.gov Please include 'Part 384' in the subject line when e-mailing.

6 NYCRR Part 483, Hazardous Waste Program Fees. This rule making will amend Part 483 to incorporate statutory changes made to the Hazardous Waste Program Fees in Environmental Conservation Law section 72-0402. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Karen Diligent, Department of Environmental Remediation, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233-7012, (518) 402-9764. E-mail: derweb@dec.ny.gov Please include 'Part 483' in the subject line when e-mailing.

6 NYCRR Parts 596, 597, 598, and 599, Chemical Bulk Storage Regulations. In this second phase of rule making for revisions to the Chemical Bulk Storage (CBS) regulations, the Department proposes to amend Part 597 to update the list of hazardous substances and clarify the spill reporting requirements. The Department also proposes to repeal Parts 596, 598, and 599 and replace them with a new Part 598 to: (1) achieve equivalency with 40 CFR Part 280 (Underground Storage Tank regulations), which is needed in order for the State to receive State Program Approval from U.S. Environmental Protection Agency (EPA) by incorporating new requirements from the federal regulations that the EPA promulgated in their July 2015 rule making; and (2) incorporate State-initiated changes pertaining to the administration of the CBS program and its consistency with the Petroleum Bulk Storage program, where applicable. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Russ Brauksieck, Department of Environmental Remediation, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233-7020, (518) 402-9553. E-mail: derweb@dec.ny.gov Please include 'Parts 597 and 598' in the subject line when e-mailing.

6 NYCRR Part 610, Certification of Onshore Major Facilities [Major Oil Storage Facility (MOSF) Regulations]. The Department proposes to repeal and replace Part 610 to: (1) incorporate appropriate language from the New York State Department of Transportation regulations, 17 NYCRR Parts 30, 31 and 32, that pertain to the administration of the MOSF program, which has been solely handled by the Department since 1985; (2) repeal 17 NYCRR Parts 30, 31 and 32; (3) improve the consistency and clarity of language directing the administration of the MOSF program, which will make explicit in regulation the procedures set forth in the Department's Program Policy DER-11, Procedures for Licensing Onshore Major Oil Storage Facili-

ties; and (4) enhance monitoring, maintenance, procedures, and equipment requirements to prevent leaks and spills. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Russ Brauksieck, Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233-7020, (518) 402-9553. E-mail: derweb@dec.ny.gov Please include 'Part 610' in the subject line when e-mailing.

6 NYCRR Part 611, Environmental Priorities and Procedures in Petroleum Cleanup and Removal. The Department proposes to repeal and replace Part 611 to incorporate requirements from Article 12 of the Navigation Law, which prohibits the discharge of petroleum and provides for cleanup and removal of any petroleum discharge. Part 611 needs to be revised to achieve equivalency with 40 CFR Part 280 (Underground Storage Tank regulations), which is needed in order for the State to receive State Program Approval from EPA. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Kevin Hale, Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233-7020, (518) 402-9553. E-mail: derweb@dec.ny.gov Please include 'Part 611' in the subject line when e-mailing.

6 NYCRR Part 613, Petroleum Bulk Storage Regulations. In this second phase of rulemaking for revisions to the Petroleum Bulk Storage (PBS) regulations, the Department proposes to amend Part 613 to: (1) achieve equivalency with 40 CFR Part 280 (Underground Storage Tank regulations), which is needed in order for the State to receive State Program Approval from EPA by incorporating new requirements from the federal regulations that the EPA promulgated in their July 2015 rule making; (2) clarify language of the existing requirements; and (3) incorporate State-initiated changes pertaining to the administration of the PBS program and its consistency with the CBS program, where applicable. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Russ Brauksieck, Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233-7020, (518) 402-9553. E-mail: derweb@dec.ny.gov Please include 'Part 613' in the subject line when e-mailing.

Division of Fish and Wildlife

6 NYCRR Part 10, 11, 18, 19, 35, 36 – Baitfish and Commercial Licenses. The Department is proposing to revise baitfish and inland commercial fishing regulations to eliminate baitfish collection conflicts, simplify the existing inland baitfish licensing fee schedule, and modify the regulatory structure for use of commercial gill nets and trap nets in Great Lakes waters. These amendments may require a Regulatory Flexibility Analysis for Small Businesses or a Rural Area Flexibility Analysis. Contact: Gregory Kozlowski, Department of Environmental Conservation, Bureau of Fisheries, 625 Broadway, Albany, NY 12233, (518) 402-8896. E-mail: gregory.kozlowski@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 51, Public use of State Wildlife Management Areas. Statutory Authority: ECL 1-0101, 3-0301, 9-0105, and 11-2101. The Department is proposing to amend 6 NYCRR Part 51 to more clearly identify public use compatible with the legal and intended purposes of Wildlife Management Areas for wildlife dependent recreation and wildlife conservation. Where appropriate, revisions will more closely mirror provisions in 6 NYCRR Part 190 Use of state lands. These amendments may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments or a Rural Area Flexibility Analysis. Contact: Marcelo DelPuerto, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4754, (518) 402-8883. E-mail: wildliferegs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Parts 151, 153, 170, 174 and 182. Amendments to these regulations would be done as one package.

6 NYCRR Part 151, Propagation and Sale of Fur-Bearing Animals. The Department is proposing to amend 6 NYCRR Part 151 to bring the regulations current with changes to ECL 11-1907, which became

effective in April 2012. The statutory language now states that the department shall not issue any new licenses after April 1, 2012. The regulatory changes will provide for continued licensing of currently licensed individuals and will prohibit the issuance of new licenses. This amendment may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments but not a Rural Area Flexibility Analysis. Contact: Joseph Therrien, Department of Environmental Conservation, Division of Fish and Wildlife, 625 Broadway, Albany, NY 12233-4752, (518) 402-8985. E-mail: joseph.therrien@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 153, Preserve Licenses. The Department is proposing to amend 6 NYCRR Part 153 to bring the regulations current with changes to multiple Sections of the ECL. The statutory language has removed the requirement for marking domestic game species with a Department provided tag and has extended the shooting season authorized for shooting preserve licenses. The regulatory changes will remove the carcass tagging requirements in Section 153.1 and will extend the shooting season as allowed in Section 153.2. In addition, the requirement for submission of an annual report will be removed from Section 153.1. Contact: Joseph Therrien, Department of Environmental Conservation, Division of Fish and Wildlife, 625 Broadway, Albany, NY 12233-4752, (518) 402-8985. E-mail: joseph.therrien@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Sections Part 170.1 and 170.3, Miscellaneous Licenses. The Department is proposing to amend 6 NYCRR Sections 170.1 and 170.3 to remove the \$1 fee for licenses issued for the importation of fish or wildlife from without to within the state. Contact: Joseph Therrien, Department of Environmental Conservation, Division of Fish and Wildlife, 625 Broadway, Albany, NY 12233-4752, (518) 402-8985. E-mail: joseph.therrien@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 174, Sale of Live Birds. The Department is proposing to amend 6 NYCRR Part 174 to simplify the regulatory language and to clearly state for what purposes a license is required. Part 174 will be repealed in its entirety and a new Part 174 will be written. Changes will also include the removal of the records retention requirement in 174.3(c). This amendment may require a Regulatory Flexibility Analysis for Small Businesses but not a Rural Area Flexibility Analysis. Contact: Joseph Therrien, Department of Environmental Conservation, Division of Fish and Wildlife, 625 Broadway, Albany, NY 12233-4752, (518) 402-8985. E-mail: joseph.therrien@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 182, Endangered and threatened species of fish and wildlife; species of special concern; incidental take permits. The Department is proposing to revise 6 NYCRR Subparts 182.2, 182.5, 182.7, 182.8 and 182.13 as part of three separate rule makings: (1) Threatened and Endangered species list revision; (2) Jurisdictional determination and permit process improvement; (3) Special licenses improvements to address possession of non-native, federally listed species and parts derived therefrom. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Dan Rosenblatt, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4754, (518) 402-8883. E-mail: wildliferegs@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 177, Sporting License Issuance and Use. Amend current regulations to update proof of qualifications for certain licenses to be consistent with updated procedures and potential changes necessary to issue sporting licenses as part of a statewide, shared services electronic licensing system that is currently under development. Also, amend current regulations concerning the description of what constitutes a license issued by the Department to allow for electronic sporting licenses to be carried and presented via electronic device(s). This amendment may require a Regulatory Flexibility Analysis for Small Businesses or a Rural Area Flexibility Analysis. Contact: Mary Bailey, Department of Environmental Conservation, Division of Fish and Wildlife, 625 Broadway, Albany, NY 12233-4750, (518) 402-8869. E-mail: mary.bailey@dec.ny.gov

6 NYCRR Part 186, Deer feeding. The Department is proposing adoption of a new regulation (6 NYCRR Part 186) to strengthen the general prohibition on feeding of deer, and to institute an integrated pest management (IPM) requirement for the use of 4-Poster Tickicide™. These amendments may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments or a Rural Area Flexibility Analysis. Contact: Jeremy Hurst, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4754, (518) 402-8883. E-mail: wildliferegs@dec.ny.gov Please include the Part number when emailing.

Pending adoption of Part 186, the Department will also propose repealing existing sections of Part 189 (189.3[b] and [c] pertaining to the feeding of wild deer) to avoid confusion with the new Part 186.

6 NYCRR Part 189, Chronic Wasting Disease. Statutory Authority: ECL 3-0301, 11-0325, and 11-1905. These amendments are necessary to strengthen disease prevention measures to prevent the introduction or spread of Chronic Wasting Disease (CWD) in New York. The Department is proposing to prohibit the importation of certain infectious parts of CWD-susceptible cervids, to increase testing of CWD-susceptible cervids held under licenses issued by the Department and to increase monitoring of activities that pose a threat of CWD introduction or spread in New York. These amendments may require a Regulatory Flexibility Analysis for Small Businesses or a Rural Area Flexibility Analysis. Contact: Patrick Martin, Department of Environmental Conservation, Division of Fish and Wildlife, 625 Broadway, Albany, NY 12233-4754, (518) 402-8883. Email: wildliferegs@dec.ny.gov Please include the Part number when emailing.

Office of Hearings and Mediation Services

6 NYCRR Part 622, Uniform Enforcement Hearing Procedures. The Department proposes to clarify procedures governing default procedures and motions for order without hearing, and make various typographical, technical and related corrections throughout. This rule making may require a Regulatory Flexibility Analysis for Small Businesses, and a Rural Regulatory Flexibility Analysis. Contact: James T. McClymonds, Chief Administrative Law Judge, Department of Environmental Conservation, Office of Hearings and Mediation Services, 625 Broadway, First Fl., Albany, NY 12233-1550. E-mail: james.mcclymonds@dec.ny.gov

6 NYCRR Part 624, Permit Hearing Procedures. The Department proposes to amend procedures governing issues conferences and interim appeals to the Commissioner from issues rulings by the Administrative Law Judges, to clarify the procedures governing motion practice, to establish procedures governing trade secrets and other confidential information in adjudicatory hearings, to revise certain definitions and to make various typographical, technical and related corrections. This rule making may require a Regulatory Flexibility Analysis for Small Businesses, and a Rural Regulatory Flexibility Analysis. Contact: Louis A. Alexander, Department of Environmental Conservation, Office of Hearings and Mediation Services, 625 Broadway, 14th Fl., Albany, NY 12233-1010. E-mail: louis.alexander@dec.ny.gov

Division of Lands and Forests

6 NYCRR Part 190, Use of State Lands, Lake Placid to Tupper Lake Recreational Trail. These regulations will guide the management of this recreational corridor. Contact: Francis Sheehan, Department of Environmental Conservation, Division of Lands and Forests, 625 Broadway, Albany, NY 12233-4250, (518) 402-9409, E-mail: francis.sheehan@dec.ny.gov, Contact: Peter Frank, Department of Environmental Conservation, Division of Lands and Forests, 625 Broadway, Albany, NY 12233-4254, (518) 473-9518, E-mail: peter.frank@dec.ny.gov

6 NYCRR Part 190, Use of State Lands. Amend section 190.26, Hemlock-Canadice State Forest (Livingston-Ontario State Reforestation Area No.1). These regulations will amend the existing regulations by applying further restrictions on public use to protect the public water supply since Hemlock and Canadice lakes are a direct source of public water for the city of Rochester and other communities. Contact: Robert Messenger, Department of Environmental Conservation, Division of Lands and Forests, 625 Broadway, Albany, NY 12233-4255, (518) 402-9428, E-mail: robert.messenger@dec.ny.gov

6 NYCRR Part 190, Use of State Lands. Amend section 190.10, Unique Areas to include a new section, Rush Oak Openings Unique Area. These regulations will protect the unique area by prohibiting certain activities on the property. Contact: Robert Messenger, Department of Environmental Conservation, Division of Lands and Forests, 625 Broadway, Albany, NY 12233-4255, (518) 402-9428, E-mail: robert.messenger@dec.ny.gov

6 NYCRR Part 510, Unmanned Aircraft. Adopt a new Part 510 to control, track and manage the use of unmanned aircraft systems also referred to as drones on Department of Environmental Conservation owned lands and waters. Contact: Scott McDonnell, Department of Environmental Conservation, Division of Lands and Forests, 625 Broadway, Albany, NY 12233-4253, (518) 402-9425, E-mail: scott.mcdonnell@dec.ny.gov

6 NYCRR Part 190, Use of State Lands. Addition of a new section 190.36, Northern Catskill Riparian Areas. These regulations will address public safety and environmental issues at the Department managed Kaaterskill Falls, Kaaterskill Clove, Platte Clove and Colgate Lake. Contact: Peter Frank, Department of Environmental Conservation, Division of Lands and Forests, 625 Broadway, Albany, NY 12233-4254, (518) 473-9518, E-mail: peter.frank@dec.ny.gov

6 NYCRR Part 190, Use of State Lands. Amend section 190.35, Peekamoose Valley Riparian Corridor. These regulations will address the continued overuse of the area by requiring the public to obtain a day use permit to access the area with the intention of limiting the number of visitors and consequently protecting the resource. Contact: Peter Frank, Department of Environmental Conservation, Division of Lands and Forests, 625 Broadway, Albany, NY 12233-4254, (518) 473-9518, E-mail: peter.frank@dec.ny.gov

6 NYCRR Part 196, Operation of Motorized Vehicles, Vessels, Aircraft and Motorized Equipment in the Forest Preserve. Amend section 196.7, Operation of Bicycles in the Adirondack and Catskill Forest Preserve. These regulations will update this section, including the existing list of Adirondack and Catskill Forest Preserve wilderness areas where bicycles are prohibited. Contact: Peter Frank, Department of Environmental Conservation, Division of Lands and Forests, 625 Broadway, Albany, NY 12233-4254, (518) 473-9518, E-mail: peter.frank@dec.ny.gov

6 NYCRR Part 196, Operation of Motorized Vehicles, Vessels, Aircraft and Motorized Equipment in the Forest Preserve. Amend section 196.8, Operation of Motorized Equipment in Wilderness, Primitive, Primitive Bicycle Corridor and Canoe Areas within the Adirondack and Catskill Parks. These regulations will update this section, including establishing a list where motorized equipment is prohibited on existing forest preserve units and newly classified forest preserve units. Contact: Peter Frank, Department of Environmental Conservation, Division of Lands and Forests, 625 Broadway, Albany, NY 12233-4254, (518) 473-9518, E-mail: peter.frank@dec.ny.gov

6 NYCRR Part 195, Permits for the Erection and Maintenance of Signs, Advertising Structures and Devices in the Catskill Park. These regulations will allow a modest increase in the size of signs and the distance of signs from businesses. Contact: Peter J. Frank, Department of Environmental Conservation, Bureau of Forest Preserve Management, 625 Broadway, Albany, NY 12233-4254, (518) 473-9518, E-mail: peter.frank@dec.ny.gov

6 NYCRR Part 190, Use of State Lands. Amend section 190.13, Wilderness Areas in the Adirondack Park. These regulations will protect the natural resources in the Saint Regis Canoe Area from overuse by applying restrictions to group size, camping, campfires and other activities. Contact: Peter J. Frank, Department of Environmental Conservation, Bureau of Forest Preserve Management, 625 Broadway, Albany, NY 12233-4254, (518) 473-9518, E-mail: peter.frank@dec.ny.gov

Division of Marine Resources

6 NYCRR Part 11, More Than One Species. The Department is proposing amendments that pertain to the management of diadromous fishes, including American eel, for taking, possessing, sale, or trafficking in the Harlem or East Rivers and the Hudson River. The amendments are needed for New York State to remain in compliance with fishery management plans developed by the Atlantic States Marine

Fisheries Commission or as directed in the Federal Sustainable Fisheries Act for such species. They also comply with the requirements of Environmental Conservation Law regarding the management of anadromous species. The purpose of these regulations is to protect and to maintain the health of these fish stocks. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: John Maniscalco, Department of Environmental Conservation, Division of Marine Resources, 205 N. Belle Meade Road, Suite 1, East Setauket, New York 11733, (631) 444-0430. E-mail: john.maniscalco@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 18, Taking Bait. The Department is proposing amendments that pertain to the management of diadromous fishes to take as bait for sportfishing through the use of fishing devices. The amendments are needed for New York State to remain in compliance with fishery management plans developed by the Atlantic States Marine Fisheries Commission or as directed in the Federal Sustainable Fisheries Act for such species. They also comply with the requirements of Environmental Conservation Law regarding the management of anadromous species. The purpose of these regulations is to protect and to maintain the health of these fish stocks. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: John Maniscalco, Department of Environmental Conservation, Division of Marine Resources, 205 N. Belle Meade Rd., Suite 1, East Setauket, NY 11733, (631) 444-0430. E-mail: john.maniscalco@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 35, Licenses. The Department proposes to establish new reporting requirements for certain inland commercial fishery license holders, consistent with those in Part 40 for the same regulated species. The Department also proposes to reduce the number of types of licenses issued and to increase the fees charged for certain licenses. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: John Maniscalco, Department of Environmental Conservation, Division of Marine Resources, 205 N. Belle Meade Rd., Suite 1, East Setauket, NY 11733, (631) 444-0430. E-mail: john.maniscalco@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 36, Gear and Operation of Gear. The Department is proposing amendments that pertain to the management of diadromous fishes in the Hudson and Delaware Rivers and are needed to maintain compliance with fishery management plans developed by the Atlantic States Marine Fisheries Commission (ASMFC) or as directed in the Federal Sustainable Fisheries Act for such species. The amendments will also comply with the requirements of Environmental Conservation Law regarding the management of anadromous species. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: John Maniscalco, Department of Environmental Conservation, Division of Marine Resources, 205 N. Belle Meade Rd., Suite 1, E. Setauket, NY 11733, (631) 444-0430. E-mail: john.maniscalco@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 40, Marine Fish. The Department proposes to amend regulations pertaining to the management of marine and diadromous fishes to maintain compliance with fishery management plans developed by the Atlantic States Marine Fisheries Commission (ASMFC), or with the requirements of Environmental Conservation Law, or pursuant to the Federal Sustainable Fisheries Act for such species. Proposed amendments will also provide compliance with National Marine Fisheries Service requirements and other federal laws. The Department proposes to amend the regulations to define what methods are allowed for recreational anglers to take fish. The Department proposes to amend reporting and record keeping requirements for State licensed harvesters; and to create a definition for proof of residency and establish requirements for providing such proof of residency when obtaining marine license and permits. The Department proposes to amend reporting and record keeping requirements

for State licensed harvesters who also hold federal harvesting licenses to require them to notify the Department of the agency that they are reporting to, as well as to clarify reporting requirements specific to federal Highly Migratory Species (HMS) permits to be able to collect invaluable harvest data that is not captured by any other means. The Department proposes to amend the striped bass and summer flounder commercial fishing special regulations to replace qualifications for permits with an acceptable substitute for 50 percent of earned income and tax records and make changes to striped bass commercial fishing permit reissuance and striped bass commercial permit tag provisions. New regulations will be proposed to make changes in the summer flounder commercial fishing special regulations to add language for re-qualification similar to that in the striped bass commercial fishing special regulations. The Department proposes to adopt regulations to establish a commercial eel permit with reporting requirements statewide, and to extend coverage by the general provisions of this part to include Rockland and Putnam Counties and ensure that commercial possession is covered statewide. The Department proposes to amend commercial fishing regulations for American eel to establish quota-based fishing limits and closures. The Department proposes to adopt regulations which will require the use of bait bags when fishing with eel pots. The proposed amendments will adopt changes to the shipping, labeling and packing requirements to require harvester's fishing vessel trip report numbers on labels for quota managed species and adopt regulations to clarify provision for records retention by food fish shippers and dealers. The Department proposes amendments to establish seasonal area gear closures to decrease bycatch of Atlantic sturgeon. In order to comply with NOAA requirements, the Department proposes amendments to coastal shark regulations to prohibit the harvest of blacknose sharks, allow a limited exception for smooth-hound sharks to the general prohibition on landing sharks without fins attached, allow for seasonal adjustments of landing limits for large coastal sharks and hammerheads, and to specify that recreational shark size limits are measured in fork length. The Department also proposes to adopt gear restrictions for the shore based shark fishery to discourage fishing on prohibited shark species. The Department proposes amendments to cod and squid regulations to allow for seasonal adjustments of landing limits and to revise the commercial cod size limit. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: John Maniscalco, Department of Environmental Conservation, Division of Marine Resources, 205 N. Belle Meade Rd., Suite 1, East Setauket, NY 11733, (631) 444-0430. E-mail: john.maniscalco@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 41, Sanitary Condition of Shellfish Lands. As necessary, the Department will propose to amend regulations that specify the classification (certified or uncertified) of shellfish lands. These amendments are necessary to protect public health by designating lands that do not meet bacteriological water quality criteria as uncertified or closed to shellfish harvesting. Shellfish lands that meet the water quality criteria are designated as certified (open) for the taking of shellfish. Additionally, shellfish lands that have not been subject to a sanitary survey conducted within the previous ten (10) years shall be designated as uncertified. Shellfish are defined in law as oysters, scallops, and all kinds of clams and mussels. This rule making may require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: William Hastback, Department of Environmental Conservation, Division of Marine Resources, 205 N. Belle Meade Rd., Suite 1, East Setauket, NY 11733, (631) 444-0479. E-mail: william.hastback@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 42, Sanitary Control over Shellfish. The Department proposes to amend regulations pertaining to the sanitary, record keeping, and reporting requirements and to require *Vibrio* control plans and introduce educational requirements, as necessary, to protect public health and allow for the modification of any conditions placed on permit activities after the permit has been issued for shellfish harvesters and shippers needed to comply with the guidelines of the National Shellfish Sanitation Program (NSSP), the federal regulations regarding interstate shipment of shellfish, and the Environmental Conserva-

tion Law. The proposed regulations will modify the descriptions of allowable activities under each category of shellfish shipper permits and the harvester permit consistent with the NSSP and the Environmental Conservation Law and amend and clarify descriptions of shellfish harvest areas to clearly delineate geographical sites where shellfish are harvested. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: Susan Ritchie, Department of Environmental Conservation, Division of Marine Resources, 205 N. Belle Meade Rd., Suite 1, East Setauket, NY 11733, (631) 444-0494. E-mail: susan.ritchie@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 43, Surfclam/Ocean Quahog Fishery Management. The Department proposes to amend regulations pertaining to the management of surfclams and ocean quahogs that are consistent with the provisions of fishery management plans adopted by the Department and allow for the orderly implementation of any changes to the Environmental Conservation Law for the surfclam fishery. All amendments may describe changes to permit requirements and eligibility, harvest limits, gear restrictions, record keeping, and reporting requirements. This rule making may require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: Jennifer O'Dwyer, Department of Environmental Conservation, Division of Marine Resources, 205 N. Belle Mead Rd., Suite 1, East Setauket, NY 11733, (631) 444-0489. E-mail: jennifer.odwyer@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 44, Lobsters and Crabs. The Department proposes to amend regulations pertaining to the management of lobsters, decapod crabs, and horseshoe crabs to maintain the health of such species and to prevent the introduction of exotic species. These proposed regulations will comply with fishery management plans developed by the Atlantic State Marine Fisheries Commission (ASMFC) for these species and with requirements of the Environmental Conservation Law. The proposed regulations will include general provisions consistent with those found in Part 40. The proposed amendments will allow for flexibility in the type of vent used in crab traps, establish open crab dredge seasons and areas, and revise blue crab size limits. The Department proposes to amend reporting and record keeping requirements for State licensed harvesters who also hold federal harvesting licenses to require them to notify the Department of the agency that they are reporting to, which will be consistent with regulations found in Part 40. The Department proposes to adopt regulations to implement the new ASMFC Interstate Fishery Management Plan for Jonah Crab which will include a special permit, size limit, bycatch limit, rules on harvest of parts, effort controls and other management measures based on details of the plan. The Department proposes to clarify current language and remove unnecessary regulations. Horseshoe crab regulations will be proposed to allow more control over the harvest and storage of horseshoe crabs. Rules will also be developed to prohibit the importation, possession and use of Asian horseshoe crabs. ASMFC will be developing an Addendum to the lobster management plan to scale the size of the Southern New England lobster fishery to the size of the resource and to respond to the continued depletion of the stock. The Department will propose lobster regulations based on the details of the Addendum. The Department will propose rules to prohibit the liberation of non-local crustaceans into New York's marine district. Rules will be developed to modify lobster trap tag allocations in order to implement trap transferability program. The Department will develop rules to establish consistency between State and Federal lobster regulations in regards to traps removal and application of the most restrictive rule during lobster fishery closed seasons. The Department will also develop rules to establish a minimum age for the non-commercial lobster license. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: Kim McKown, Department of Environmental Conservation, Division of Marine Resources, Finfish and Crustaceans Section, 205 N. Belle Meade Rd., Suite 1, East Setauket, NY 11733, (631) 444-0454. E-mail: kim.mckown@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 48, Marine Hatcheries, On-Bottom and Off-Bottom Culture of Marine Plant and Animal Life. The Department proposes to amend regulations pertaining to the sale of cultured food fish and other cultured food products for consumption or resale. The proposed regulations will amend requirements for marking and identification of cultivation products in commercial markets, requirements for permits, and record keeping and reporting requirements. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government as well as a Rural Area Flexibility Analysis. Contact: Wade Carden, Department of Environmental Conservation, Division of Marine Resources, 205 N. Belle Mead Rd., Suite 1, East Setauket, NY 11733, (631) 444-0481. E-mail: wade.carden@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 49, Shellfish Management. The Department proposes to adopt regulations for the management of hard clams, soft or steamer clams and razor clams. The management measures include provisions for size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility, record keeping and identification requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale. The Department proposes to amend regulations pertaining to the possession of oysters of less than legal size which is needed to ensure enforceability and compliance with the minimum size requirements for harvest of wild (natural) oysters in the marine district. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Government as well as a Rural Area Flexibility Analysis. Contact: Debra Barnes, Department of Environmental Conservation, Division of Marine Resources, 205 N. Belle Mead Rd., Suite 1, East Setauket, NY 11733, (631) 444-0477. E-mail: debra.barnes@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 50, Miscellaneous Marine Species. The Department proposes to adopt new regulations for the protection and management of various other marine species. The immediate need is for the adoption of regulations for the protection and management of whelks (also known as conch, *Busycon* spp). These regulations will include size limits, specifications for marking and placement of whelk fishing gear, trap limits and other regulations necessary to manage the whelk fishery. The Department proposes to amend reporting and record keeping requirements for State licensed harvesters who also hold federal harvesting licenses to require them to notify the Department of the agency that they are reporting to, which will be consistent with regulations found in Part 40. The Department also proposes to adopt regulations which will require the use of bait bags when fishing with whelk traps. This rule making may require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: Kim McKown, Department of Environmental Conservation, Division of Marine Resources, 205 N. Belle Mead Rd., Suite 1, East Setauket, NY 11733, (631) 444-0454. E-mail: kim.mckown@dec.ny.gov Please include the Part number when emailing.

Division of Materials Management

6 NYCRR Part 321 Pesticides in Grape Vineyards, Part 322 Pesticides in Grape Vineyards, Niagara County, Part 323 Pesticides In Grape Vineyards, Chautauqua County, Southern Townships, Part 324 Pesticides In Grape Vineyards, Erie County, and Part 325 Application of Pesticides will be repealed and replaced with new Parts 321-325. This rule making will include comprehensive reorganization and revisions to the current rule to update the current pesticide use regulations, including the use of pesticides classified by the USEPA as exempt from the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act. These pesticides are commonly known as 25(b) or minimum risk pesticides. These rules will also incorporate federal certification and training regulations contained in 40 CFR Part 170 and the provisions currently in Part 326 Registration and Classification of Pesticides related to the sale of restricted use pesticides. In addition, Part 326 will be revised to address the registration of minimum risk pesticides. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area

Flexibility Analysis. Contact: Tricia Newell, Department of Environmental Conservation, Division of Materials Management, 625 Broadway, Albany, NY 12233-7254, (518) 402-8748. E-mail: pestmgt@dec.ny.gov Please include the Part number when e-mailing.

6 NYCRR, Part 327, Rules and Regulations Relating to the Use of Chemicals for the Control or Elimination of Aquatic Vegetation. Part 327 will be amended to incorporate relevant provisions of Part 328 (Rules and Regulations Relating to the Use of Chemicals for the Control or Elimination of Undesirable Fish) and Part 329 (Rules and Regulations Relating to the Use of Chemicals for the Control or Elimination of Aquatic Insects) and to reflect the current statutory requirement of the Environmental Conservation Law. 6 NYCRR Part 328 and 6 NYCRR Part 329 will be repealed. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Anthony Lamanno, Department of Environmental Conservation, Division of Materials Management, 625 Broadway, Albany, NY 12233-7254, (518) 402-8727. E-mail: pestcomp@dec.ny.gov Please include the Part number when e-mailing.

6 NYCRR Part 367, Returnable Beverage Containers. This rule making will incorporate revisions to the statute that specifically changed and, in some cases, change the Part 367 regulations that were promulgated in 1983; reflect changes in the way the industry and the regulated community now complies with these regulations; and include changes that will lead to improved compliance and enforcement. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Jennifer Kruman, Department of Environmental Conservation, Division of Materials Management, 625 Broadway, Albany, NY 12233-7253, (518) 402-8706. E-mail: nybottle@dec.ny.gov Please include the Part number when e-mailing.

6 NYCRR Part 368, Product Stewardship and Labeling. This rule making will rename and include changes to the existing Recycling Emblem regulations in 6 NYCRR Part 368 to be consistent with national labeling guidelines for recycling terms. It will also include developing regulations for mercury-added consumer products labeling, and product stewardship requirements for the E-Waste take back program resulting from legislation adopted in 2010 for E-Waste management. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Peter Pettit, Department of Environmental Conservation, Division of Materials Management, 625 Broadway, Albany, NY 12233-7253, (518) 402-8706. E-mail: pswr@dec.ny.gov Please include the Part number when e-mailing.

Division of Operations

6 NYCRR 623: Use of Environmental Education Centers. The Department is proposing to revise 6 NYCRR 623: Use of Environmental Education Centers to include Reinstein Woods Environmental Education Center, update appropriate uses of the education centers, and make the regulations consistent with relevant sections of Part 190: Use of State Lands. This rule making will not require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Tom Shimalla, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-5256, (518) 402-8043. E-mail: edcenterregs@dec.ny.gov Please include the Part number when emailing.

Division of Water

6 NYCRR Part TBD, Water Well Registration and Reporting. A new part will be developed in conjunction with ECL section 15-1525 to establish registration, reporting, certification, and enforcement provisions. This rule making may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Diane English, Section Chief, Bureau of Water Resource Management, Division of Water, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233, (518) 402-8195. E-mail: diane.english@dec.ny.gov

6 NYCRR Part TBD - Waste Water Reuse. Regulations are needed to reflect the provisions in ECL section 15-0605 regarding water efficiencies and the promotion of the reuse of reclaimed wastewater. This may require a Regulatory Flexibility Analysis for Small Busi-

nesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Koon Tang, Director of Bureau of Water Resource Management, Division of Water, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233, (518) 402-8086. E-mail: koon.tang@dec.ny.gov

6 NYCRR Part 485 - State Pollutant Discharge Elimination System (SPDES) Program Fees. The SPDES program fees were changed in 2009 through amendments to ECL section 72-0602. Part 485 will be amended to conform the SPDES fees in regulation to the fees in statute. This rule making may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Carol Lamb-LaFay, Director, Bureau of Water Permits, Division of Water, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3505, (518) 402-8111. E-mail: carol.lamb-lafay@dec.ny.gov

6 NYCRR Part 502 - Floodplain Management Criteria for State Projects. Revisions will update language to comply with enabling legislation and will update criteria to comply with changes in Federal Emergency Management Agency regulations and New York State Building Code. Part 502 was last updated in 1984. Revisions will include updated definitions, clarifying floodway encroachment requirements, changing lowest floor elevation requirements to reflect the Building Code of New York State, and clarifying the variance application and decision process. This rule making may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Alan Fuchs, Director, Bureau of Flood Protection and Dam Safety, Division of Water, Department of Environmental Conservation, Albany, NY 12233-3507, (518) 402-8185. E-mail: alan.fuchs@dec.ny.gov

6 NYCRR Part 505 - Coastal Erosion Management Regulations. Part 505 of 6 NYCRR was last amended in March 1988. Revisions will include clarifying definitions, adding new defined terms, and clarifying language regarding regulated activities in natural protective features areas. This rule making may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Alan Fuchs, Director, Bureau of Water Permits, Division of Water, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3505, (518) 402-8185. E-mail: alan.fuchs@dec.ny.gov

6 NYCRR Part 602 - Long Island Agricultural Water Wells. Revisions are needed to reflect that the permit exemption for agricultural water wells on Long Island was eliminated in 1992 by the introduction of paragraph 7 of ECL section 15-1527. This rule making may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Koon Tang, Director of Bureau of Water Resource Management, Division of Water, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233, (518) 402-8086. E-mail: koon.tang@dec.ny.gov

6 NYCRR 676 - Salt Storage. A new part will be added to regulate the private and municipal storage of road salt and road salt/sand mixtures. Regulations are needed to protect waters of the state from contamination due to the uncovered storage of road salt and road salt/sand mixtures. The rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Carol Lamb-LaFay, Director, Bureau of Water Permits, Division of Water, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3505, (518) 402-8111. E-mail: carol.lamb-lafay@dec.ny.gov

6 NYCRR Parts 700 - 706 Water Quality Standards. Revisions will add/revise ambient water quality standards, standard-setting procedures, implementation procedures, and other regulatory provisions. This rule making may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Scott Stoner, Chief, Standards and Analytical Support Section, Bureau of Water Quality Management, Division of Water, Department of Environmental Conservation, Albany, NY 12233-3502, (518) 402-8193. E-mail: scott.stoner@dec.ny.gov

6 NYCRR Part 750 - State Pollutant Discharge Elimination System (SPDES) Permits. Revisions are necessary to incorporate new federal

criteria and standards. This rule making may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Carol Lamb-LaFay, Director, Bureau of Water Permits, Division of Water, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3505, (518) 402- 8111. E-mail: carol.lamb-lafay@dec.ny.gov

6 NYCRR Part 910 - St. Lawrence River Drainage Basin. Revisions will reclassify surface waters as needed to provide water quality protection consistent with designated best usages, as well as the Clean Water Act (CWA) Section 101(a)(2) goals. This rule making may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Scott Stoner, Chief, Standards and Analytical Support Section, Bureau of Water Quality Management, Division of Water, Department of Environmental Conservation, Albany, NY 12233-3502, (518) 402-8193. E-mail: scott.stoner@dec.ny.gov

Education Department

Pursuant to section 202-d of the State Administrative Procedure Act, the State Education Department presents its regulatory agenda for calendar year 2018. All section and part references are to Title 8 of the New York Code of Rules and Regulations. The State Education Department reserves the right to add, delete or modify, without further notice, except as required by the State Administrative Procedure Act, any item or information presented herein as relating to the 2018 Regulatory Agenda.

OFFICE OF P-12 EDUCATION

Addition of a new Part of the Commissioner's Regulations pertaining to the requirements for student and teacher data privacy and security pursuant to Education Law section 2-d, as added by Subpart L of Part AA of Chapter 56 of the Laws of 2014. A rural area flexibility analysis and/or a regulatory flexibility analysis may be required.

Amendment of Parts 52 and 80 of the Commissioner's Regulations to require all prospective teachers to complete coursework on English Language Learner instructional needs, co-teaching strategies, and integrating language and content instruction for English Language Learners. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 80 of the Commissioner's Regulations to create a certification extension for bilingual teaching assistants. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 80-1.9 of the Commissioner's Regulations relating to the filing of district personnel data. A regulatory change may be required to align the requirement for collecting personnel data which has changed from staff filing a paper form to an electronic filing by school districts, BOCES and charter schools. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.1(a) of the Commissioner's Regulations relating to the definition of a unit of study. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.1(b) of the Commissioner's Regulations relating to the definition of a unit of credit. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.2(ff) of the Commissioner's Regulations related to children in Residential Facilities and/or the appointment of a liaison to align with the state's Every Student Succeeds Act plan. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.2(i) of the Commissioner's Regulations to allow the reporting of complaints about the use of corporal punishment by BOCES, district or charter school personnel to be done once a year. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.2(m) of the Commissioner's Regula-

tions relating to the Public-School Reports to align with the state's Every Student Succeeds Act plan. A regulatory change may be required for reporting requirements for districts to allow for the various data of the school report card to be identified individually. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment to section 100.2(f) to clarify the use of Department Approved Alternatives to Regents examinations for use as pathways to graduation and not for accountability purposes. A regulatory flexibility analysis for local government and a rural flexibility analysis may be required.

Amendment to section 100.5(b) to allow districts to develop and implement Arts coursework and curriculum without the approval of the State Education Department. A regulatory flexibility analysis for local government and a rural flexibility analysis may be required.

Amendment of section 100.3 of the Commissioner's Regulations relating to the PreK-4 Program requirements to reflect the adoption of the Learning Standards. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.4 of the Commissioner's Regulations relating to program requirements in grades 5-6 to reflect the adoption of the Learning Standards. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.5 of the Commissioner's Regulations, relating to graduation requirements. A regulatory change may be required to allow for additional options for English language learners. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.7 of the Commissioner's Regulations relating to the State High School Equivalency Program to increase the age of eligibility and minimum number of hours required by the program. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.4(b) of the Commissioner's Regulations relating to program requirements in grades five and six. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.4(d) of the Commissioner's Regulations relating to grade eight acceleration for diploma credit. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.5(a), (b) and (c) of the Commissioner's Regulations relating to graduation and diploma requirements. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.19 of the Commissioner's Regulations related to Receivership, to align with the state's Every Student Succeeds Act plan. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Addition of a new section 100.21 of the Commissioner's Regulations to implement the school and district accountability and school and district improvement provisions of New York state's Every Student Succeeds Act plan, including a system for differentiation of school and district performance and support for and intervention in identified schools and districts. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment to various sections of Part 100 to align with Education Law, Article 66, section 3300 et seq., on the Interstate Compact for Educational Opportunity for Military Children. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 114.1(b) of the Commissioner's Regulations relating to nutrition standards. A regulatory change may be required to conform with federal statute and/or regulation. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 116 of the Commissioner's Regulations relating to children in Residential Facilities and/or the appointment of a liaison to align with the state's Every Student Succeeds Act plan. A

regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 117 of the Commissioner's Regulations relating to diagnostic screening for students who are new entrants or who have low test scores in reading or mathematics. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 118 of the Commissioner's Regulations relating to new provisions in New York State's Every Student Succeeds Act plan regarding incarcerated youth. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 119.1 of the Commissioner's Regulations relating to financing of charter schools to correct a citation and address statutory changes. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 119.3 of the Commissioner's Regulations relating to charter school report cards to correct a citation. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 119.4 of the Commissioner's Regulations relating to the location and timelines for charter school hearings. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 119.5 of the Commissioner's Regulations relating to charter school preferences. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 120 of the Commissioner's Regulations to align with the State's Every Student Succeeds Act plan relating to public school choice, supplemental education services (SES), highly qualified teachers and other provisions of the No Child Left Behind Act. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 125 of the Commissioner's Regulations relating to the requirements for the voluntary registration of nonpublic nursery schools and kindergartens. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Subpart 151-1 of the Commissioner's Regulations relating to universal prekindergarten. A regulatory change may be required to implement policy relating to the suspension and expulsion of children in universal prekindergarten classes. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 151-1.3 of the Commissioner's Regulations relating to the Universal Pre-Kindergarten program. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 136 to implement Chapter 373 of the Laws of 2016 and to make technical amendments, relating to school health services. A regulatory flexibility analysis and a rural area flexibility analysis may be required.

Amendment of section 136.3(b) of the Commissioner's Regulations to conform to Education Law section 901, as amended by the Laws of 2006, Ch. 58, pt. A-1, § 57, which removed the exemption of the city school districts of Rochester and Buffalo from the requirement to provide school health services. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 144.11 of the Commissioner's Regulations to eliminate the requirement that school districts have an Early Grade Class Size Reduction Plan. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Subpart 151-1 of the Commissioner's Regulations to create identification, placement and program requirements for students who are English language learners in preschool. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 154-2.3(i) of the Commissioner's Regulations to allow districts with less than 30 English Language Learners to

apply for a one year waiver increasing the maximum allowable grade span for grouping instruction in grades K-12 English as a New Language and Bilingual Education classes to three contiguous grades, instead of two contiguous grades. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 155.12 of the Regulations of the Commissioner of Education relating to lease approval and building aid for leased school buildings and facilities by school districts. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 155.22(a)(3)(i)(d)(1) through (4) of the Regulations of the Commissioner of Education relating to Qualified Zone Academy Bonds ranking of eligible districts and allocation of funds. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 155.23 of the Regulations of the Commissioner of Education relating to multi-year cost allowance. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Parts 100 and 200 of the Commissioner's Regulations to make certain technical amendments, including corrections to cross citations, as may be appropriate to conform with the Every Student Succeeds Act. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of sections 200.4(i) and 200.5(a) of the Commissioner's Regulations relating to written notice upon graduation or aging out and the development of adult service recommendations for students with disabilities placed in residential schools, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of sections 200.1(x), 200.5(j) and 200.16(h) of the Commissioner's Regulations relating to the impartial due process hearing procedures, including the provisions relating to prehearing conferences. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.2 of the Regulations of the Commissioner of Education relating to least restrictive environment placements of students with disabilities. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.6 of the Commissioner's Regulations relating to approval of State reimbursement for students with disabilities in approved private school placements. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.6 of the Commissioner's Regulations relating to the minimum level of service requirements for consultant teacher services and resource room programs, and the maximum instructional group size in a resource room program. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.7 of the Commissioner's Regulations relating to conditions of approval and the program standards for private schools approved to serve students with disabilities. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.9 of the Commissioner's Regulations relating to tuition rates for approved special class integrated setting programs. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.18 of the Commissioner's Regulations relating to fiscal audits of approved programs. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.20(a) of the Commissioner's Regulations relating to public school districts as preschool evaluators as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 3.16(c)(1) of the Rules of the Board of Regents to update delegation of authority with respect to the approval of changes to certain charter school revisions. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 3.17(a)(3) of the Rules of the Board of Regents to update the revocation proceeding and to allow the Board of Regents to appoint a representative to hear oral arguments on behalf of the Board of Regents and to make a determination in regard to such oral argument. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 3.17(a)(3) of the Rules of the Board of Regents to update the revocation proceeding to revoke the certificate of incorporation after the assets of the education corporations have been discharged. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting: Jhone M. Ebert, Senior Deputy Commissioner for Education Policy, New York State Education Department, Room 875, Education Building Annex, 89 Washington Avenue, Albany, NY 12234, (518) 474-3862, nysedp12@nysed.gov

OFFICE OF HIGHER EDUCATION

Amendment of section 3.56 of Regents Rules to clarify requirements for out-of-state institutions of higher education that are seeking Regents permission to operate in New York. A rural area flexibility analysis and regulatory flexibility analysis may be required.

Amendment of section 3.58 of the Regents Rules and addition of new section 3.59 of the Regents Rules establishing procedures and fees related to institutional authorization to offer degree programs. A rural area flexibility analysis and regulatory flexibility analysis may be required.

Amendment of Subpart 4-1 of the Regents Rules establishing fees for voluntary institutional accreditation by the Commissioner of Education and Board of Regents. A rural area flexibility analysis and regulatory flexibility analysis may be required.

Amendment of section 50.1 of the Commissioner's Regulations to include a definition of a remedial course and a compensatory course as needed under sections 6451 and 6452 of the Education Law. A rural area flexibility analysis and regulatory flexibility analysis may be required.

Amendment of Parts 50 and 52 of the Commissioner's Regulations concerning registration of undergraduate and graduate postsecondary curricula. A rural area flexibility analysis and regulatory flexibility analysis may be required.

Amendment of section 52.2(f) of the Commissioner's Regulations specifying the academic content of a transcript prepared by an Institution of Higher Education. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 80 of the Commissioner's Regulations relating to the certification requirements for school counselors. A rural area flexibility analysis may be required.

Amendment of section 80-3.4 of the Commissioner's Regulations relating to education requirements for the professional certificate. A rural area flexibility analysis may be required.

Amendment of sections 80-4.3 and 80-5.18 of the Commissioner's Regulations relating to the requirements for a Supplementary Bilingual Education extension and the Supplementary English to Speakers of Other Languages certificate. A rural area flexibility analysis may be required.

Addition of new section 80-5.26 of the Regulations of the Commissioner of Education to allow a temporary certificate for teachers displaced from Puerto Rico and/or another U.S. Territory, as a result of Hurricane Maria, to teach in New York State. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 86 of the Commissioner's Regulations relating

to the requirements for the Albert Shanker Grant. A rural area flexibility analysis may be required.

Amendment of Part 135 of the Commissioner's Regulations related to Health and Physical Education, to align with the state's Every Student Succeeds Act plan. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 135 of the Commissioner's Regulations to clarify the due process procedures relative to coaching licenses. A regulatory flexibility analysis and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations section 145-2.1(a)(iii) to provide a definition of a remedial course(s). A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations section 145-2.2 to provide a definition of the term "the recognized equivalent of such certificate" as found in Education Law section 661(4)(f) for the purposes of determining eligibility for the NYS Tuition Assistance Program. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations section 145-2.15(b)(3) to clarify and establish jurisdiction over a student at the time of the completion of secondary education. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations section 145-2.15(b)(2) to clarify the federally approved ability to benefit test administration for the purposes of the NYS Tuition Assistance Program. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations section 152-1.2 to insert language concerning remedial, developmental, and compensatory courses. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations section 152-1.1 to amend applications to clarify that each application shall include the provision of a summer program that shall occur at the beginning of the program year and to update obsolete processes and language. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations Part 50 and Part 54 to amend the definitions and procedures related to off-campus instruction and locations. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations to establish a new part to implement section 6449 of the Education Law as related to aggregate data reporting to the department as required by Chapter 76 of the Laws of 2015, the Sexual Assault, Dating Violence, Domestic Violence and Stalking Prevention and Response Policies and Procedures. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting: John D'Agati, Deputy Commissioner for the Office of Higher Education, Education Department, Office of Higher Education, Rm. 975, Education Bldg. Annex, 89 Washington Ave., Albany, NY 12234, (518) 486-3633, Shannon.Roberson@nysed.gov

OFFICE OF THE PROFESSIONS

Amendment of Part 29 of the Regents Rules relating to definitions of unprofessional conduct in the public accountancy and certified public accountancy professions. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 29 of the Regents Rules relating to definitions of unprofessional conduct in the pharmacy profession. A regulatory flexibility analysis for small businesses and a rural flexibility analysis may be required.

Amendment of section 29.7 of the Rules of the Board of Regents

and section 63.6 of the Commissioner's Regulations relating to the Unprofessional Conduct Special Provisions and the Requirements for Substituting Interchangeable Biological Products for Prescribed Products in the Profession of Pharmacy. A regulatory flexibility analysis for small businesses and a rural flexibility analysis may be required.

Amendment of Part 61 of the Commissioner's Regulations relating to licensure by endorsement provisions for dentists. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 69 of the Commissioner's Regulations relating to licensure by endorsement provisions for architects. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 70 of the Commissioner's Regulations relating to the definitions of public accountancy and the certified public accountancy professions. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting: Douglas E. Lentivech, Deputy Commissioner for the Professions, New York State Education Department, Office of the Professions, 89 Washington Avenue, West Wing, Second Floor - Education Building, Albany, NY 12234, (518) 486-1765, opdepcom@nysed.gov

OFFICE OF CULTURAL EDUCATION

Amendment of Part 90 of the Commissioner's Regulations, relating to the library and library system programs and services. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning the above proposed amendment by contacting: Bernard A. Margolis, State Librarian and Assistant Commissioner for Libraries, New York State Education Department, New York State Library, Room 10C34, Albany, NY 12230, (518) 474-5930, Bernard.Margolis@nysed.gov

Amendment of Part 188 of the Commissioner's Regulations related to state government archives and records management to update the agency fee list to match the current organizational structure of executive branch agencies. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 188 of the Commissioner's Regulations related to state government archives and records management to update the annual fees for storage of records in a records center facility. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting: Tom Ruller, Assistant Commissioner for the State Archives, 9C49 Cultural Education Center, Albany, NY 12230, (518) 474-5561, Tom.Ruller@nysed.gov

OFFICE OF ADULT CAREER AND CONTINUING EDUCATION SERVICES (ACCES)

Amendment of Parts 246 and 247 of the Commissioner's Regulations, regarding conforming and technical amendments pertaining to the vocational rehabilitation and independent living programs. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 246 of the Commissioner's Regulations, relating to sheltered workshop programs and community rehabilitation providers, necessary to conform to federal regulations and to reflect new standards for services established in contracts. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Parts 246 and 247 of the Commissioner's Regulations relating to the State vocational rehabilitation program operated

pursuant to Title I of the Rehabilitation Act, as may be appropriate to conform to changes resulting from the passage of the Workforce Innovation and Opportunity Act (WIOA) on July 22, 2014, which amended the Rehabilitation Act. The federal regulations were released on August 19, 2016. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning the modification or continuation of any of the above rules by contacting: Lisa Van Ryn, Manager, VR Resource Development, Office of Adult Career and Continuing Education Services, Room 580, EBA, 89 Washington Avenue, Albany, NY 12234, (518) 473-1626, Lisa.VanRyn@nysed.gov

Amendment of Part 247 of the Commissioner's Regulations, regarding aid for blind or deaf students in relation to the purchase and use of supports for the education of students who are blind, deaf, deaf-blind or hard of hearing. Regulatory changes may be necessary to implement recently enacted legislation. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Raymond Pierce, Manager, Service Delivery, Office of Adult Career and Continuing Education Services, Room 580, EBA, 89 Washington Avenue, Albany, NY 12234, (518) 473-1626, Raymond.Pierce@nysed.gov

Amendment of section 126.4(e)(2)(i) of the Commissioner's Regulations relating to standards and methods of instruction to revise the language to say: except as provided in subparagraph (iii) of this paragraph, and notwithstanding any other provisions of law, any student who is absent more than 15 percent of the total number of instructional hours offered during each marking period of the student's program, excluding approved leaves of absence pursuant to paragraph (6) of this subdivision, or who has not maintained satisfactory academic progress, shall be dismissed or placed on academic probation in accordance with subparagraph (iii) of this paragraph. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 126.4(g) of the Commissioner's Regulations relating to standards and methods of instruction to add the following: All courses or curricula offered at no cost to a student by a school shall comply with all requirements of this Part, except non-occupational courses as defined by section 5002(1)(c) of the Education Law. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 126.4(i) of the Commissioner's Regulations relating to standards and methods of instruction to revise it to say: Notwithstanding any other provisions of this Part, non-occupational courses, as defined by section 5002(1)(c) of the Education Law, shall be subject to the following alternate educational and curriculum standards. 126.4(i)(4) teachers of non-occupational courses shall meet the requirements for a special lecturer as set forth in section 126.6(m) of this Part. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 126.6 of the Commissioner's Regulations relating to qualifications of teaching and management personnel to change the word "mailed" to "provided" and remove the words "and postmarked" as follows:

Each applicant shall submit, in a format specified by the commissioner, such data concerning the education, training, experience and other qualifications, including supporting documentation, of the administrative, supervisory and instructional staff of the school as the commissioner may require. Upon submission of an application for a director, the owner shall attest to the applicant's ability to comply with the provisions of this section. Pursuant to section 5002(6) of the Education Law, all applications for teachers and directors shall be provided to the commissioner four days prior to employment at the school, and must be completed, with all supporting materials and fees required for evaluation of the file, within 20 days thereafter. However, the commissioner, for good cause shown, may extend the time within which to complete the application. When a complete application is made, the commissioner shall act upon such application within 30 days. If no written denial is made within 30 days, the application shall

be deemed to be approved until the commissioner acts upon it or until the end of the term or semester, whichever occurs first. If a written denial is made after the 30-day period, the commissioner may allow the applicant to teach at the school for the remainder of the term or semester if the commissioner determines that the removal of the teacher would not be in the best interest of students. If a teacher or director application, submitted to the department less than four days prior to the employment of such individual, is evaluated and it is subsequently determined that the applicant is not qualified pursuant to the provisions of this section, the school may be subject to disciplinary action pursuant to section 5003 of the Education Law, if such conduct constitutes a pattern of abuse. As used in this subdivision, a pattern of abuse is defined as violations which occur three or more times in a 12-month period.

A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment to the Commissioner's Regulations section 126.7 to read: If a transcript, diploma, certificate, or other document evidencing satisfactory program or course completion is to be withheld until all fees and charges have been met, the enrollment agreement must so state. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning the modification or continuation of any of the above rules by contacting: Dr. Richard A. Rose, Director, Bureau of Proprietary School Supervision, Office of Adult Career and Continuing Education Services, Room 560, EBA, 89 Washington Avenue, Albany, NY 12234, (518) 474-3969, Richard.Rose@nysed.gov

OFFICE OF MANAGEMENT SERVICES

Amendment of Parts 187 and 188 to update regulations relating to the inspection and copying of State Education Department records and to State Government Archives and Records Management. A regulatory flexibility analysis and/or a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting: Alison Bianchi, Counsel and Deputy Commissioner for Legal Affairs, State Education Building, Room 112, 89 Washington Ave., Albany, NY 12234, (518) 474-6400, legal@nysed.gov

Office of the Medicaid Inspector General

Pursuant to State Administrative Procedure Act (SAPA) § 202-d, the Office of the Medicaid Inspector General ("OMIG") presents its regulatory agenda. The following regulations are under consideration by OMIG for submission as Notices of Proposed Rulemaking in 2018. All sections and parts refer to Title 18 of the New York Code of Rules and Regulations. OMIG reserves the right to add, delete or modify, without further notice, except as required by SAPA, any item or information presented herein relating to the 2018 Regulatory Agenda. Updated Regulatory Agendas may be found on OMIG's website at: <http://www.omig.ny.gov>.

Below is a brief description of the regulations, by subject matter, that are under review by OMIG:

515.1 Scope and Definitions – Amend to add new or clarify existing definitions.

515.2 Unacceptable Practices – Amend to identify new or clarify existing unacceptable practices under the medical assistance program.

515.3 Authority to Sanction – Amend to clarify authority to sanction affiliates.

515.5 Sanctions; Effect – Amend to consolidate sanction definitions and to clarify the effect of each sanction.

515.7 Immediate Sanctions – Amend to clarify existing guidelines for immediate sanctions.

515.8 Mandatory Exclusions – Amend to clarify new and existing guidelines for mandatory exclusions.

516.1 Policy, Scope and Definitions – Amend to specify the standards of the medical assistance program and the basis for monetary penalties.

516.4 Notification and Hearings – Amend to clarify notification procedures.

516.5 Effect and Enforcement of the Penalty – Amend to clarify the authority to sanction and recover overpayments in relation to monetary penalties.

517.3 Audit and Record Retention – Amend to update audit and record retention requirements.

518.2 Definitions – Amend to include definition of a credible allegation of fraud.

518.3 Liability for Overpayments – Amend to clarify joint and several liability for overpayments.

518.5 Recovery of Overpayments, Procedure – Amend to clarify the procedures for recovering overpayments.

518.6 Recoupment of Overpayments – Amend to identify overpayment recoupment authority and procedure.

518.7 Withholding of Payments – Amend to clarify the guidelines and procedures for withholding payments.

518.8 Recovery of Overpayments Pending a Hearing – Amend to clarify the procedures for the recovery of overpayments pending a hearing.

519.4 Right to a Hearing – Amend to clarify the situations in which a person is or is not entitled to a hearing.

519.7 Request for a Hearing – Amend to clarify mailing address and procedures for hearing requests.

Part 521 Provider Compliance Programs – Amend to specify and clarify the requirements of provider compliance programs.

CONTACT PERSON: Office of the Medicaid Inspector General, Michael T. D'Allaird, Esq., Associate Attorney, 800 N. Pearl St., Albany, NY 12204, (518) 408-5803, rulemaking@omig.ny.gov

Workers' Compensation Board

Pursuant to section 202-d of the State Administrative Procedures Act, notice is hereby provided of the following rules which the Workers' Compensation Board (Board) is considering proposing but for which a rule making proceeding has not been commenced. All references are to Title 12 of the New York Code of Rules and Regulations unless otherwise noted. The Board's regulatory plans are subject to change, and the Board reserves the right to add, delete, or modify any item herein. The Board is not required to propose for adoption any rule summarized in this regulatory agenda. In addition, the Board may propose a rule for adoption which was not under consideration at the time that this regulatory agenda was submitted for publication.

This notice is also intended to provide small businesses, local governments, and public and private interests in rural areas with the opportunity to participate in the rule-making process, as provided for in sections 202-b and 202-bb of the State Administrative Procedures Act. All of the rules described below may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis pursuant to sections 202-b and 202-bb of the State Administrative Procedures Act, respectively.

The public is welcome to send written comments on the Board's Regulatory Agenda to the contact person at the end of this list.

The Chair and/or the Board is considering proposing the rules described below:

1. Amend section 313 to clarify that a Board decision is not a prerequisite to the parties' compliance with statutory and regulatory obligations and to set forth the criteria when a Board decision will be issued.

2. Add a new section 300.39 to establish rules for the cross-examination of medical witnesses and to repeal section 300.10(c).

3. Amend section 325-1.25 to permit the Chair to require electronic submission of medical bill objections.

4. Add Part 304 describing the process for filing and adjudication of

discrimination claims against an employer pursuant to section 120 of the WCL for retaliation in filing of workers' compensation claims.

5. Amend Part 440 to implement the prescription drug formulary that Workers' Compensation Law § 13-p mandates the Workers' Compensation Board adopt.

The Board will continue to review its rules in an effort to provide for clearer and more accurate references to Board policies and procedures, while also eliminating typographical errors and obsolete forms/practices, etc.

To obtain information about or submit written comments concerning any item in this Regulatory Agenda, contact: Heather M. MacMaster, Deputy General Counsel, Workers' Compensation Board, 328 State St., Schenectady, NY 12305-2318, (518) 486-9564, e-mail: regulations@wcb.ny.gov

RULE REVIEW

Adirondack Park Agency

As required by section 207 of the State Administrative Procedure Act (SAPA), the following is a list of rules which were adopted by the Adirondack Park Agency (Agency) in calendar years 2003 and 2008 which must be reviewed in calendar year 2018. Public comment on the continuation or modification of these rules is invited and will be accepted until February 19, 2018. Comments may be directed to: Paul Van Cott, Associate Attorney, Legal Division, Adirondack Park Agency, P.O. Box 99, NYS Route 86, Ray Brook, New York 12977.

RULES ADOPTED IN 2003 AND EFFECTIVE ON JANUARY 29, 2003

Legal basis for these rules: Adirondack Park Agency Act (APA Act), Executive Law, article 27; Wild, Scenic and Recreational Rivers System Act, Environmental Conservation Law section 15-2709; Freshwater Wetlands Act, Environmental Conservation Law section 24-0801

Amendment of Part 581 of Title 9 NYCRR as follows:

(1) Subpart 581-1 provided regulatory definitions and set forth the applicability of part 581 to (i) any violation of the laws or regulations administered by the Agency, or of any permit, order or settlement issued by the Agency; and (ii) any Agency proposal to modify, suspend or revoke any permit issued by the Agency.

(2) Subpart 581-2 provided the general authority and procedures the Agency employs to resolve or determine violations of the statutes that it administers.

(3) Subpart 581-3 implemented the Agency's statutory authority in Executive Law section 809(8)(a) to modify, suspend or revoke an Agency permit.

(4) Subpart 581-4 set out the adjudicatory hearing process applicable to the imposition of administrative sanctions for violations of the Freshwater Wetlands Act and the modification, suspension, and revocation of Agency permits.

Analysis of the need for the rules: These rules clarified existing regulatory language, expedited delivery of services to the public, and introduced more consistency, uniformity and predictability into Agency administration and decision-making consistent with governing statutes.

RULES ADOPTED IN 2008 AND EFFECTIVE ON DECEMBER 31, 2008

Legal basis for these rules: Adirondack Park Agency Act, Executive Law, article 27; Wild, Scenic and Recreational Rivers System Act, Environmental Conservation Law section 15-2709; Freshwater Wetlands Act, Environmental Conservation Law section 24-0801

(1) [Wetlands] (a) Amended 9 NYCRR section 578.3(n) to delete "subdivision" under subsection one and to add a new section (3) which addresses when a subdivision or portion of a subdivision will require a wetland permit; (b) Amended 9 NYCRR section 570.3(x) to define "involving wetlands" under the APA Act as identical to "regulated activity" under the Agency regulations implementing the Freshwater Wetlands Act; (c) Amended 9 NYCRR section 573.3 to

clarify that proposed wetland parcels being retained will be treated the same as those being sold, and to remove what would be conflicts with the new jurisdictional rules; and (d) Amended 9 NYCRR section 573.4 to clarify how these rules affect the gift exemption provided by Executive Law section 811(1)(c).

Analysis of the need for the rules: These amendments completely revised Agency jurisdiction over subdivisions involving wetlands so as to include those lots, the creation of which may in fact adversely impact wetlands, but also to create criteria for a non-jurisdictional opportunity based on subdivision design.

(2) [Shorelines] (a) Amended 9 NYCRR section 575.5, subsection 2, to prohibit any major expansion of pre-existing structures located within the shoreline setback area unless a variance is granted; and (b) Amended 9 NYCRR section 575.7 to require that when a pre-existing non-conforming on-site wastewater treatment system is being replaced, it must be located to meet the shoreline setback requirements to the greatest extent possible and to require a variance for the expansion of a non-conforming wastewater treatment system in conjunction with an actual or potential proposed increase in occupancy of the associated structure.

Analysis of the need for the rules: These shoreline amendments removed an exemption which gave lawfully pre-existing non-conforming structures more opportunity to expand than other existing structures. The amendments also included an opportunity for a "minor" expansion to the rear or the height of the pre-existing non-conforming structure without a variance. Finally, these amendments tightened the shoreline restrictions with respect to non-conforming on-site wastewater treatment systems.

(3) Amended 9 NYCRR section 573.4 to remove subdivision 573.4(b) which provided that the sale of a landowner's entire ownership on one side of a public road, railroad, right-of-way owned in fee, or other intervening fee ownership, will not be considered a subdivision.

Analysis of the need for the rule: This amendment eliminated the automatic creation of separate parcels (available for sale without permit) due to the bisection of one large parcel by roads or rights-of-ways owned in fee, which division of lands often violated the overall intensity guidelines.

(4) Added 9 NYCRR section 570.3(bb) to provide a definition for "square feet of floor space for a building" and 9 NYCRR section 570.3(bc) to define the "square footage of a structure other than a building."

Analysis of the need for the rules: These amendments provided greater clarity with respect to the measurement of structures.

(5) Amended 9 NYCRR section 570.3(u) to create a new definition of "hunting and fishing cabin and private club structure". The definition focuses on physical attributes of the structure, but also retains the essential aspects of the existing definition relating to use requirements.

Analysis of the need for the rule: This amendment provided more clarity with respect to the definition of the term and more certainty of administration of the APA Act with respect to such structures.

Department of Environmental Conservation

3 Year Rule Review
January 2018

Introduction

Each year, pursuant to SAPA, the Department publishes a Review of Rules in the State Register and on its website. This is a review of Department rules adopted 3 years previous.

SAPA Section 207 -- 3-Year Rule Review

The following rules were adopted by the New York State Department of Environmental Conservation (Department) during 2015, and pursuant to SAPA Section 207 have been reviewed. Comments on the rules that are being amended this year should be directed to the contact person listed in the main body of the Regulatory Agenda. Comments on any rules that are not being changed at this time will be accepted for 45 days from the date of publication in the State Register and should be directed to the regulatory coordinator for the appropriate program, as listed below the rules.

Division of Air Resources

6 NYCRR Part 212 Process Operations. Statutory Authority: Environmental Conservation Law sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-1101, 19-1103, 19-1105, 71-2103, 71-2105. The June 14, 2015 rule making established consistent terminology between Part 212 and 6 NYCRR Part 200 (Part 200) and 6 NYCRR Part 201 (Part 201); establish a Toxic- Best Available Control Technology (T-BACT) standard for toxic air contaminants; clarify the interaction between Part 212 and the National Emission Standards for Hazardous Air Pollutants (NESHAPs); and controlled High Toxicity Air Contaminants (HTACs) to the greatest extent possible. The 2015 revision of Part 212 did not address 212-4 "Control of Nitrogen Oxides for Hot Mix Asphalt Production Plants," and will be re-evaluated in the next regulatory update.

6 NYCRR Part 218 Emission Standards for Motor Vehicles and Motor Vehicle Engines. Statutory Authority: Environmental Conservation Law sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-1101, 19-1103, 19-1105, 71-2103, 71-2105 and section 177 of the Federal Clean Air Act (42 USC 7507). Incorporate California's revised greenhouse gas and ZEV program standards and annual publication of ZEV credit balance information. Part 218 is proposed to be amended to revise the existing aftermarket catalytic converter standards (refer to main section of regulatory agenda).

6 NYCRR Parts 243, 244, 245 Transport Rule NOX Ozone Season Trading Program, Transport Rule NOX Annual Trading Program and Transport Rule SO₂ Trading Program, respectively. Statutory Authority: Environmental Conservation Law sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0311, 71-2103 and 71-2105. The proposal and adoption of Parts 243, 244 and 245 resulted in the replacement of Clean Air Interstate Rule requirements with applicable Cross-State Air Pollution Rule requirements. Amendments to these regulations are being considered at this time.

Contact: Richard McAuley, Regulatory Coordinator for the Division of Air Resources, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3258. Telephone: 518-402-8438. E-mail: air.regs@dec.ny.gov

Division of Environmental Remediation

6 NYCRR Part 570, Liquefied Natural Gas (LNG); Statutory Authority: Environmental Conservation Law sections 1-0101, 3-0301, 23-1703, 23-1705, 23-1707, 23-1709, 23-1711, 23-1713, 23-1715, 23-1717 and 23-1719. New Part 570 was adopted on January 21, 2015 to establish criteria for the siting of and to require DEC permits for LNG facilities per ECL Article 23, Title 17. No amendments will be made at this time.

6 NYCRR Parts 596, 597, 598, and 599, Chemical Bulk Storage (CBS). Statutory Authority: Environmental Conservation Law sections 1-0101, 3-0301, 3-0303, 17-0301, 17-0303, 17-0501, 17-1743, 37-0101 through 37-0107, and 40-0101 through 40-0121. CBS regulations were amended to harmonize State regulations with federal rule 40 CFR 280 so that similar sets of regulatory requirements govern

CBS facilities in the State. These amendments were adopted on September 11, 2015. No further amendments will be made at this time. See 2018 DEC Regulatory Agenda for information pertaining to the Phase 2 rule making for amendments to 6 NYCRR Parts 596-599.

6 NYCRR Part 613, Petroleum Bulk Storage (PBS); 6 NYCRR 370.1(e)(2), Hazardous Waste Management – General; 6 NYCRR 374-2, Standards for the Management of Used Oil. Statutory Authority: Environmental Conservation Law (ECL) sections 1-0101, 3-0301, 3-0303, 17-0301, 17-0303, 17-0501, 17-1001 through 17-1017, and 17-1743; ECL Article 23, Title 23, Article 27, Titles 7 and 9; Navigation Law sections 173, 175, 176, 178, and 191. The PBS rule making repealed Parts 612-614 and they were replaced with a restructured Part 613 to harmonize State regulations with federal rule 40 CFR 280 so that similar sets of regulatory requirements govern PBS facilities in the State. Part 613 includes standards for PBS tank systems that are applicable to tanks storing used oil. Provisions of section 370.1(e)(2) and Subpart 374-2 were revised to address changes to definitions and cross-references related to proposed Part 613. Amendments were also made to account for changes to 40 CFR Part 279, and revisions made to federal rules between July 30, 2003 and April 13, 2012 were incorporated into 370.1(e)(2) and Subpart 374-2. The PBS and used oil management amendments were adopted on September 11, 2015. No further amendments will be made at this time. See 2018 Regulatory Agenda for information pertaining to: (1) Phase 2 rule making for amendments to 6 NYCRR Part 613 and (2) amendments for 6 NYCRR Parts 370-374, 376 of the Hazardous Waste Management regulations.

Contact: Angela Chieco, Regulatory Coordinator for Division of Environmental Remediation, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7012. Telephone: 518-402-9764. E-mail: derweb@dec.ny.gov

Division of Fish and Wildlife

6 NYCRR Part 1 Single Species, section 1.11, Deer hunting seasons and section 1.30, Deer management assistance program. Statutory authority: Environmental Conservation Law, sections 11-0303, 11-0903(10), 11-0903(11) and 11-0907. An amendment to adjust antlerless deer harvest regulations to meet local population management needs and improve the Deer Management Assistance Permit program. The Department is challenged to manage deer populations across a diverse range of environmental conditions and desired population levels. This amendment modified hunting regulations to allow for deer population growth in some areas (Wildlife Management Unit (WMU) 6A in the St. Lawrence Valley), and increase hunting opportunity (with the goal of increasing deer harvest) in areas with overabundant deer populations (WMUs 1C, 3M, 3S, 4J, 8A, 8C, 8F, 8G, 8H, 8N, 9A, and 9F, which include portions of southeastern New York and throughout the Lake Plains and northern Finger Lakes area of central and western New York). Additionally, this rule making refined the Deer Management Assistance Program (DMAP), which provides site-specific deer management options for landowners and land-managers, expanding opportunity for landowners adjacent to un hunted public lands to mitigate deer-related damage, reduce paperwork burden for applicants and staff, increase flexibility for staff in administering DMAP, and improve reporting of harvest through DMAP. Modifications to the DMAP program continue to be appropriate to adequately manage site-specific deer populations. Modified hunting regulations in WMU 6A appear to be achieving their desired effect and may be altered to restore antlerless harvest opportunity. Additionally, the modified regulations intended to increase deer harvest in WMUs 1C, 3M, 3S, 4J, 8A, 8C, 8F, 8G, 8H, 8N, 9A, and 9F were determined to be ineffective and were rescinded in 2015.

6 NYCRR Part 1, Single Species, section 1.40, Hunting wild turkey. Statutory authority: Environmental Conservation Law, sections 3-0301, 11-0303, 11-0903, 11-0905, 11-0917 and 11-1101. Amend wild turkey hunting regulations to revise the fall hunting season structure (season zones, season length, bag limit) to better align harvest opportunities with current wild turkey populations and environmental conditions (habitat, weather, predator populations). During the fall season a turkey of either sex may be taken. Overharvesting hens can cause populations to decline. In order to ensure that the turkey harvest is sustainable, we must adjust fall hunting seasons

so that they are more appropriate for the current status of wild turkey populations in light of limiting factors such as hen survival, productivity, and habitat quality. Changes made in 2015 are being evaluated based on harvest and turkey abundance data, and adjustments to the fall season will be made as warranted by environmental conditions and turkey populations. No amendments are planned at this time.

6 NYCRR Parts 10, 18, 19 and 35, Sportfish Activities and associated activities. Statutory authority: Environmental Conservation Law, sections 3-0301, 11-0303, 11-0305, 11-0317, 11-1301, 11-1303, 11-1316, and 11-1319. These amendments promote optimum fishing opportunity for public use consistent with resource conservation. No amendments required.

6 NYCRR Part 189, Chronic Wasting Disease. Statutory authority: Environmental Conservation Law, sections 3-0301, 11-0325, 11-1905 and 27-0703. Amend Part 189 related to the discovery of chronic wasting disease in deer in Ohio to prevent importation of chronic wasting disease infectious material from the State of Ohio into New York. On October 23, 2014 DEC was notified that Ohio confirmed its first case of chronic wasting disease (CWD). New York must ensure that no CWD-infected material is transported into the State and therefore needs to remove Ohio from the list of states that are allowed to export the carcasses of wild, CWD-susceptible cervids obtained or harvested from Ohio into New York unless those carcasses have certain parts removed before importation into New York. Further amendments are currently being evaluated pending adoption of the New York State Interagency CWD Risk Minimization Plan including restrictions associated with the importation of cervid carcasses from outside the state.

Contact: Lucretia Paulsen, Regulatory Coordinator for the Division of Fish and Wildlife, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4750. Telephone: (518) 402-8924. E-mail: lucretia.paulsen@dec.ny.gov

Division of Lands and Forests

6 NYCRR section 192.7, Control of the Emerald Ash Borer. Environmental Conservation Law sections, 1-0101(3)(b), 1-0101(3)(d), 3-0301(1)(b), 3-0301(1)(d), 3-0301(2)(m), 9-0105(1), 9-0105(3) and 9-1303, Environmental Conservation Law Article 9, Title 13. This regulation is needed to restrict Emerald Ash Borer to restricted zones where infestations exist. At this time, no amendments to this regulation are planned for the coming year.

Contact: Linda Kashdan-Schrom, Regulatory Coordinator for the Division of Lands and Forests, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4250. Telephone: 518-402-9417. Email: linda.kashdan-schrom@dec.ny.gov

Division of Marine Resources

6 NYCRR Part 40, Marine Fish. Statutory authority: Environmental Conservation Law, sections 11-0303 and 13-0338. Part 40 was amended to make State shark regulations consistent with Federal rules and ensure New York State maintains compliance with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Coastal Sharks. Part 40 will be amended as necessary for New York to remain in compliance with federal rules and interstate fishery management plans.

6 NYCRR Part 44, Lobster and Crabs. Statutory authority: Environmental Conservation Law, sections 3-0301, 13-0105 and 13-0329. Part 44 was amended to revise the closed season for the harvest and landing of lobster from Lobster Conservation Management Area (LMA) 4 and repeal the mandatory V-notching of female lobsters in LMA 4. This rule will ensure New York remains in compliance with the Atlantic States Marine Fisheries Commission (ASMFC) Fishery Management Plan (FMP) for American Lobster. Part 44 will be amended as necessary for New York State to remain in compliance with federal rules and interstate fishery management plans.

6 NYCRR Part 40, Marine Fish. Statutory authority: Environmental Conservation Law, sections 11-0303, 11-1521, 13-0339, 13-0347 and 13-0105. Part 40 was amended to reduce commercial and recreational harvest of striped bass and to ensure New York State remains in compliance with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Striped Bass. Part 40 will be amended as necessary for New York to remain in compliance with federal rules and interstate fishery management plans.

6 NYCRR Part 49, Shellfish Management. Statutory authority: Environmental Conservation Law, section 13-0327. Part 49 was amended to extend the bay scallop season by one month before the season closed on March 31, 2015. The rule, adopted as an emergency, expired after 90 days.

6 NYCRR Part 40, Marine Fish. Statutory authority: Environmental Conservation Law, sections 11-0303, 13-0105 and 13-0340-f. Part 40 was amended to reduce the recreational harvest for black sea bass. This rule making was necessary to ensure New York State maintains compliance with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan (FMP) for Black Sea Bass. Part 40 will be amended as necessary for New York to remain in compliance with federal rules and interstate fishery management plans.

6 NYCRR Part 41, Sanitary Condition of Shellfish Lands. Statutory authority: Environmental Conservation Law, sections 13-0307 and 13-0319. Part 41 was amended to designate as uncertified (closed to shellfish harvest) either year-round or seasonally shellfish growing areas in the towns of Hempstead, Oyster Bay, Huntington, Smithtown, Islip, Brookhaven, Riverhead, Southampton, East Hampton and Southold. Shellfish harvested from growing areas that fail to meet bacteriological water quality standards may cause illness in those individuals who consume them. Bacteriological water quality testing is an ongoing task; shellfish growing areas will be classified as necessary based on the results of the water quality studies. Part 41 will be amended as needed.

Contact: Maureen Davidson, Regulatory Coordinator for the Division of Marine Resources, New York State Department of Environmental Conservation, 205 North Belle Mead Road, Suite 1, East Setauket, NY 11733 Telephone: (631) 444-0483 E-mail: maureen.davidson@dec.ny.gov

Division of Water

6 NYCRR Parts 701 and 703, Water quality standards for Class I and Class SD waters in New York City and Suffolk County. Amended New York's water quality standards for Class I and Class SD waters to meet the "swimmable" goal of the Clean Water Act. Statutory authority: Environmental Conservation Law, arts. 3, 15 and 17, sections 3-0301, 15-0313, 17-0101 and 17-0301. Further amendments are currently being evaluated.

Contact: Michelle Tompkins, Regulatory Coordinator for the Division of Water, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3500. Telephone: 518-402-8221. E-mail: michelle.tompkins@dec.ny.gov

Department of Environmental Conservation

5 Year Rule Review January 2018

Introduction

Each year, pursuant to SAPA, the Department publishes a Review of Rules in the State Register and on its website. This is a review of Department rules adopted 5 years previous.

SAPA Section 207 -- 5-Year Rule Review

The following rules were adopted by the New York State Department of Environmental Conservation (Department) during 2013, and pursuant to SAPA Section 207 have been reviewed. Comments on the rules that are being amended this year should be directed to the contact person listed in the main body of the Regulatory Agenda. Comments on any rules that are not being changed at this time will be accepted for 45 days from the date of publication in the State Register and should be directed to the regulatory coordinator for the appropriate program, as listed below the rules.

Division of Air Resources

6 NYCRR Part 201, Permits and Registrations. Statutory authority: Environmental Conservation Law, §§ 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0306, 19-0311, 70-0109, 71-2103, and 71-2105; 40 CFR part 70; United States Code, § 7661[b], Federal Clean Air Act, §§ 160-169, 171-193 [42 U.S.C. 7470-7479; 7501-7515]. Part 201 will be amended to make certain minor wording changes, correct typographical errors,

and other minor corrections to ensure consistent implementation across regions.

6 NYCRR Part 203, Indirect Sources of Air Contamination. Part 203 was a regulation that applied to any new or modified indirect source of air contamination south of 60th Street, Manhattan. The regulation was repealed.

6 NYCRR Subpart 225-1, Fuel Composition and Use. Statutory authority: Environmental Conservation Law §§ 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0325, 71-2103, and 71-2105; and obligations under the Federal Clean Air Act. The revisions to Subpart 225-1 primarily included the lowering of the sulfur-in-fuel limits for all distillate and residual oils sold, purchased, and/or used in portable or stationary sources throughout New York State. These revisions were initiated as a component of the State Implementation Plan (SIP) directed at attainment of the particulate matter less than or equal to 2.5 microns in diameter (PM-2.5) national ambient air quality standard (NAAQS), the sulfur dioxide (SO₂) NAAQS, and the Department's obligations under the regional haze SIP submitted to the U.S. Environmental Protection Agency (EPA) in 2010. There are no plans to amend Subpart 225-1 this year as the requirements remain current.

6 NYCRR Part 228, Surface Coating Processes, Commercial and Industrial Adhesives, Sealants and Primers (Subpart 228-1, Surface Coating Processes and Subpart 228-2 Commercial and Industrial Adhesives, Sealants and Primers). Statutory authority: Environmental Conservation Law §§ 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105; and obligations under the Federal Clean Air Act (CAA). The revisions to Subpart 228-1 added seven Control Techniques Guidelines (CTGs) issued by the U.S. Environmental Protection Agency (EPA) between 1996 and 2008 and required to be incorporated into the State Implementation Plan (SIP) for New York. Each of the federal CTGs established Reasonably Available Control Technology (RACT) for volatile organic compounds (VOCs) emitted by the surface coating processes identified in the CTGs. The revisions to Subpart 228-2 made clarifying and non-substantive changes. Revisions to Subpart 228-1 are planned for this year in order to lower the VOC limits for surface coatings used in motor vehicle and mobile equipment repair and refinishing.

6 NYCRR Part 240, Transportation Conformity. Statutory Authority: Environmental Conservation Law sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, and 19-0305. The air quality provisions of the Clean Air Act require a planning process that integrates air quality and transportation planning such that transportation investments support clean air goals. This process is known as transportation conformity. The amendments to Part 240 detailed the process for transportation agencies to demonstrate conformity. The current regulations continue to meet the federal transportation conformity requirements of 40 CFR Part 93 therefore no amendments are planned at this time.

6 NYCRR Part 242, CO₂ Budget Trading Program. Statutory Authority: Environmental Conservation Law sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 71-2103, 71-2105. Part 242 was amended to lower the emissions cap starting in 2014, declining by 2.5 percent per year through 2020. Pursuant to 2016 Program Review, amendments to Part 242 to reduce the cap by 30 percent through 2030 are being considered at this time.

6 NYCRR Part 248 Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology for Heavy Duty Vehicles Statutory Authority: Environmental Conservation Law, §§ 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0323, 71-2103, and 71-2105. Part 248 requires the retrofit of subject vehicles to occur by December 31, 2013. Due to a change in the underlying statute (Part UU of Chapter 58, Laws of 2017), DEC will not enforce the requirement to complete the application of best available retrofit technology on subject vehicles until January 1, 2019. Similarly, Part 248 currently requires subject vehicles that have received a useful life waiver pursuant to section 4.1(c) of 6 NYCRR Part 248 cease to be used in New York State by December 31, 2013. Due to the change in the underlying statute (Part UU of Chapter 58, Laws of 2017), DEC will not

enforce the requirement that subject vehicles that have received a useful life waiver pursuant to section 4.1(c) of 6 NYCRR Part 248 cease to be used in New York State until after January 1, 2020. The referenced enforcement discretion letter is dated May 12, 2017. All other provisions of Part 248 remain in effect and will be enforced.

No changes to Part 248 are proposed.

Contact: Richard McAuley, Regulatory Coordinator for the Division of Air Resources, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3258. Telephone: 518-402-8438. E-mail: air.regs@dec.ny.gov

Division of Environmental Permits

6 NYCRR Part 617.20 Appendixes A and B, Statutory Authority Environmental Conservation Law, Article 8. This rule amended the environmental assessment forms that were previously contained in appendices A, B and C (now A and B). The purpose of the rule was to modernize the environmental assessment forms based. As part of its five year review and in response to comments received in its current rule making on the text of Part 617, DEC may modify and update the forms to reflect perspective changes proposed to the text of Part 617.

Contact: Kent Sanders, Regulatory Coordinator for the Division of Environmental Permits, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-1750. Telephone: 518-402-9178. E-mail: deppermitting@dec.ny.gov

Division of Fish and Wildlife

6 NYCRR Part 155/section 155.1 Sale of Black Bass. Statutory authority: Environmental Conservation Law, sections 11-0507-01, 11-13-19 and 11-1902-02. This amendment facilitates the marketing of largemouth bass for human food purposes including sale at restaurants. No amendment required.

6 NYCRR Part 180/section 180.9, Exemption for the Possession and Sale of Bighead Carp; repeal the current exemption for the sale of bighead carp. Statutory authority: Environmental Conservation Law, sections 3-0301, 11-0303, 11-0305, 11-0507, and 11-0511. Rule was promulgated to remove exceptions to allow for bighead carp to be sold, possessed, transported, imported and exported in NYC and immediate vicinity so New York was in compliance with the federal "Asian Carp Prevention and Control Act" which added these fish as an Invasive and Injurious Species in 18 USC 42. No amendment required. New York must remain compliant with established Federal statutes.

6 NYCRR Part 189, Chronic Wasting Disease. Statutory authority: Environmental Conservation Law, sections 3-0301, 11-0325, 11-1905 and 27-0703. Amend Part 189 related to the discovery of chronic wasting disease in deer in Pennsylvania to prevent importation of chronic wasting disease infectious material from the State of Pennsylvania into New York. On October 11, 2012 DEC was notified that Pennsylvania confirmed its first case of chronic wasting disease (CWD). New York must ensure that no CWD-infected material is transported into the State and therefore needs to remove Pennsylvania from the list of states that are allowed to export the carcasses of wild, CWD-susceptible cervids obtained or harvested from Pennsylvania into New York unless those carcasses have certain parts removed before importation into New York. Further amendments are currently being evaluated pending adoption of the New York State Interagency CWD Risk Minimization Plan including restrictions associated with the importation of cervid carcasses from outside the state.

6 NYCRR, Part 2, More Than One Species, section 2.30, Migratory game birds. Statutory authority: Environmental Conservation Law, sections 11-0303, 11-0307, 11-0903, 11-0909 and 11-0917. This rule making modified regulations pertaining to the special snow goose harvest program in New York. This program was established in NY in many other states in 2008 to increase harvest of snow geese to help reduce environmental damage caused by the overabundance of these birds in eastern North America. Wildlife agencies, ecologists and environmental organizations are all concerned about the impacts that overabundant snow geese are having on arctic ecosystems, coastal wetlands, and agricultural crops. In response to these concerns, wildlife managers and scientists in the U.S. and Canada have recommended that the snow goose population in eastern North America be reduced to 500,000 birds. To accomplish this, regular season hunting regulations have been liberalized to the maximum extent allowed

under the Migratory Bird Treaty Act. In addition, the U.S. Fish and Wildlife Service (USFWS) adopted a "conservation order" in 2008 allowing states in the Atlantic Flyway to implement special snow goose harvest programs in addition to regular hunting seasons. Wildlife agencies in New York, New Jersey, Pennsylvania, Vermont, Connecticut, Maryland, Delaware, and Virginia have all implemented such special snow goose harvest programs. Goals of the Conservation Order were to increase the interest and effectiveness of recreational snow goose hunters, and allow additional hunting periods and techniques distinct from traditional recreational hunting. Based on current population estimates, these measures are still needed. No amendments planned at this time.

6 NYCRR, Part 2, More Than One Species, section 2.20, Hunting small game mammals; opossum, weasel, skunk, black, gray and fox squirrels, raccoon, cottontail rabbit, varying hare, European hare, bobcat, red fox, gray fox, and coyote, and Part 6, More Than One Species, section 6.2, Mink, muskrat, raccoon, opossum, weasel, red fox, gray fox, skunk, coyote, fisher, bobcat and pine marten trapping seasons and bag limits, and section 6.4, Experimental research trapping seasons for bobcat and fisher. Statutory authority: Environmental Conservation Law, sections 11-0901, 11-0903, 11-0905, 11-1101 and 11-1103. Following adoption of the New York State Bobcat Management Plan, regulations were amended to make existing bobcat hunting and trapping seasons uniform, and to establish new bobcat hunting and trapping season in the southern tier. The changes provided additional, sustainable bobcat harvest opportunities in many areas of the state and standardized hunting and trapping season dates in areas where bobcat harvest opportunities already existed. The changes also established the requirement for a free, special permit for bobcat hunting and trapping in the "Harvest Expansion Area" (HEA) in central and western New York that allowed wildlife managers to track hunting and trapping participation and harvest pressure, and to collect biological information on bobcats harvested. Bobcat hunting and trapping regulations were amended in 2017 to remove the requirement for a special permit for the HEA. After three seasons of data collection, sufficient information on harvest pressure and take has been collected and the special permit is no longer needed. Hunters and trappers who pursue bobcats in the HEA are still required to have a hunting or trapping license and to have the animal pelt sealed. No further amendments planned at this time.

Contact: Lucretia Paulsen, Regulatory Coordinator for the Division of Fish and Wildlife, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4750. Telephone: (518) 402-8924. E-mail: lucretia.paulsen@dec.ny.gov

Division of Lands and Forests

6 NYCRR section 190.10(f), Henderson Shores Unique Area. Environmental Conservation Law sections, 1-0101(3)(b), 3-0301(1)(b), 3-0301(2)(m), 9-0105(1) and 9-0105(3). This regulation is needed to protect public safety and natural resources on the Henderson Shores Unique Area. No amendments to this regulation are planned for the coming year since implementation has been satisfactory.

Contact: Linda Kashdan-Schrom, Regulatory Coordinator for the Division of Lands and Forests, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4250. Telephone: 518-402-9417. Email: linda.kashdan-schrom@dec.ny.gov

Division of Marine Resources

6 NYCRR Part 40, Marine Fish. Statutory authority: Environmental Conservation Law sections 11-0303, 13-0105 and 13-0340-f. Part 40 was amended by emergency adoption to extend the recreational black sea bass fishing season through March 1, 2013 and to reduce the recreational black sea bass minimum size. This rule making gave New York State anglers additional opportunities to fish for black sea bass, and provided the New York State recreational fishing industry (party and charter boats, bait and tackle shops, marinas) opportunities for increased revenue. Part 40 will be amended as necessary for New York to remain in compliance with federal rules and interstate fishery management plans.

6 NYCRR Part 44, Lobster and Crabs. Statutory authority: Environ-

mental Conservation Law, sections 3-0301, 13-0105 and 13-0329. Part 44 was amended to create a closed season for the harvest and landing of lobster from Lobster Conservation Management Area (LMA) 4. This rule will ensure New York remains in compliance with the Atlantic States Marine Fisheries Commission (ASMFC) Fishery Management Plan (FMP) for American Lobster. The rule is necessary to begin rebuilding the southern New England lobster stock and to avoid potential federal sanctions imposed for lack of compliance with the ASMFC management plan. Part 44 will be amended as necessary for New York State to remain in compliance with federal rules and interstate fishery management plans.

6 NYCRR Part 40, Marine Fish. Statutory authority: Environmental Conservation Law sections 11-0303, 13-0105, 13-0340-b, 13-0340-e and 13-0340-f. Part 40 was amended to adjust the summer flounder recreational season and reduce the summer flounder recreational minimum length; to reduce the scup recreational minimum length and increase the scup recreational possession limit; and to adjust the black sea bass recreational season and decrease the black sea bass recreational possession limit. This rule has since been modified in 2014, 2015, 2016, and 2017 to ensure that New York State continues to satisfy the requirements of the Atlantic States Marine Fisheries Commission Summer Flounder, Scup and Black Sea Bass Fishery Management Plan. Part 40 will be amended as necessary for New York to remain in compliance with federal rules and interstate management plans.

6 NYCRR Part 40, Marine Fish. Statutory authority: Environmental Conservation Law sections 11-0303, 11-1303, 13-0105 and 13-0342. Part 40 was amended to establish quota based management for commercially caught Atlantic menhaden and a recreational possession limit for Atlantic menhaden. This rule is needed to prevent overfishing on Atlantic menhaden, ensure New York remains in compliance with the Atlantic States Marine Fisheries Commission (ASMFC) Fishery Management Plan (FMP) for Atlantic Menhaden and avoid potential federal sanctions imposed for non-compliance with the management plan. Part 40 will be amended as necessary for New York to remain in compliance with federal rules and interstate management plans.

6 NYCRR Part 41, Sanitary Condition of Shellfish Lands. Statutory authority: Environmental Conservation Law, sections 13-0307 and 13-0319. Part 41 was amended to designate as uncertified (closed to shellfish harvest) either year round or seasonally shellfish growing areas in the towns of Hempstead, Islip, Brookhaven, Southampton, East Hampton and Southold. Shellfish harvested from growing areas that fail to meet bacteriological water quality standards may cause illness in those individuals who consume them. Bacteriological water quality testing is an ongoing task; shellfish growing areas will be classified as necessary based on the results of the water quality studies. Part 41 will be amended as needed.

Contact: Maureen Davidson, Regulatory Coordinator for the Division of Marine Resources, New York State Department of Environmental Conservation, 205 North Belle Mead Road, Suite 1, East Setauket, NY 11733. Telephone: (631) 444-0483. E-mail: maureen.davidson@dec.ny.gov

Division of Water

6 NYCRR, Repeal of Parts 601 and 675; addition of a new Part 601; and amendment of section 621.4. Water withdrawal permit reporting and registration program. Implement amendments to Environmental Conservation Law (ECL) Article 15, Title 16, 6 NYCRR 675 and ECL Article 15 title 33. Statutory authority: Environmental Conservation Law, sections 3-0301(1)(f), (2)(m), 3-0306(4), 8-0113(2), 70-0107; art. 15, titles 15, 16 and 33; art. 21, title 10; art. 70 and SAPA art. 2. No amendments planned at this time.

6 NYCRR Subpart 750-1, 6 NYCRR Subpart 360-4 and 6 NYCRR Subpart 360-5 to remove the requirement that certain CAFOs maintain ECL SPDES Permit coverage; revise land application, storage and composting rules. Statutory authority: 33 U.S.C. 1251, et seq. (Federal Water Pollution Control Act); Environmental Conservation Law, art. 3, title 3, art. 17, titles 3, 5, 7, 8; art. 27, titles 1, 3, 5, 7, 9, 13, art. 70, title 1 and sections 1-0101, 8-0113, 11-0325, 19-0301, 19-0303, 19-0304 and 19-0306. No amendments planned at this time.

Contact: Michelle Tompkins, Regulatory Coordinator for the Divi-

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

AG Direct Lending Fund III, L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Direct Lending Fund III GP, LLC

AG DLI III, L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Direct Lending Fund III GP, LLC

AG DLI III (Unlevered), L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Direct Lending Fund III GP, LLC

Akoustis Technologies, Inc.
9805-4 Northcross Center Court, Huntersville, NC 28078
State or country in which incorporated — North Carolina

Altair Reinsurance Fund, LLC
c/o First Republic Investment Management, Inc., 1888 Century Park
E, Los Angeles, CA 90067-1702

Clipkick, Inc.
3732 Veteran Ave., #101, Los Angeles, CA 90034
State or country in which incorporated — Delaware

Context Partners Offshore, L.P.
c/o Walkers Corporate Limited, Cayman Corporate Centre, 27
Hospital Rd., George Town, Grand Cayman KY1-9008, Cayman
Islands
Partnership — Context Capital Management, LLC

EMR Capital RF II Golden Grove, LP
Level 7, 151 Macquarie St., Sydney, NSW, Australia 2000
Partnership — EMR Capital GP II Golden Grove Pty Ltd

Food & Beverage Innovations, LLC
16100 SW 72nd Ave., Portland, OR 97224
State or country in which incorporated — Oregon

GCA Emerging Markets Sustainable Growth Fund, LP
c/o GCA GP II, LLC, 640 Fifth Ave., 16th Fl., New York, NY 10019
Partnership — GCA GP II, LLC

GCA Emerging Markets Sustainable Growth Fund, Ltd.
c/o GCA Investment Management, LLC, 640 Fifth Ave., 16th Fl., New
York, NY 10019
State or country in which incorporated — Bermuda

Hit Her With The Skates Limited Liability Company
c/o LDK Productions, 315 W. 36th St., 2nd Fl., New York, NY 10018
State or country in which incorporated — New York

Invesco Strategic Opportunities III, L.P.
2001 Ross Ave., Suite 3400, Dallas, TX 75201
Partnership — Invesco Strategic Opportunities III GP, LLC

King's Leap Capital Fund LP
One Sansome St., Suite 1895, San Francisco, CA 94104
Partnership — King's Leap Capital GP LLC

King's Leap Capital Offshore Fund Ltd.
1207 Plantation Village, Dorado, PR 00646
State or country in which incorporated — Cayman Islands

Park Hill Group LLC
345 Park Ave., New York, NY 10154
Partnership — Siris Partners GP IV, L.P.

Peridyn Inc.
5100 Poplar Ave., Memphis, TN 38137
State or country in which incorporated — Tennessee

SG DSG Holdings LLC
900 Third Ave., 33rd Fl., New York, NY 10022

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

Spring Creek 1600 Acquisitions, LLC
1891 River Forest Rd., Atlanta, GA 30327
State or country in which incorporated — Delaware limited liability
company

Timber Technologies, Inc.
68 3rd St., Brooklyn, NY 11231
State or country in which incorporated — Delaware

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REHABILITATE LOADING DOCK Kingsboro Psychiatric Center Brooklyn, Kings County

Sealed bids for Project No. M3078-C, for Construction Work, Rehabilitate Loading Dock, Buildings 21 & 23, Kingsboro Psychiatric Center, 681 Clarkson Avenue, Brooklyn (Kings County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, January 10, 2018, 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 \$39,800 for C.

Further, Wicks Exempt Projects require a completed form BDC 59 (Wicks Exempt List of Contractors) be filled out and submitted (included in a separate, sealed envelope) in accordance with Document 002220, Supplemental Instructions to Bidders – Wicks Exempt. Failure to submit this form correctly will result in a disqualification of the bid.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C.

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

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the 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 216 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 December 21, 2017 at Kingsboro Psychiatric Center, Building 19, 4th Floor Conference Room, 681 Clarkson Avenue, Brooklyn, 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.

For assistance pertaining to the site visit only, please phone Ida Colon (631) 951-0248.

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

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

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

For questions about purchase of bid documents, please send an e-mail to DC.Plans@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

**MODIFY
SECURITY**

Downstate Correctional Facility
Fishkill, Dutchess County

Sealed bids for Project No. 41347-C, for Construction Work, Security Modifications at Control Rooms, Buildings 1, 2, 3, 5, Downstate Correctional Facility, 122 Red Schoolhouse Road, PO Box 445, Fishkill (Dutchess 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 Corrections and Community Supervision, until 2:00 p.m. on Wednesday, January 10, 2018, 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 \$47,400 for C.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C.

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

The substantial completion date for this project is 433 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 2:00 p.m. on December 21, 2017 at Downstate Correctional Facility, 122 Red Schoolhouse Road, Fishkill, 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 Shannon Landolf, (845) 831-3111 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). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

For questions about purchase of bid documents, please send an e-mail to DC.Plans@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
MAIN SANITARY SEWER LINE
Wyoming Correctional Facility
Attica, Oneida County

Sealed bids for Project No. 43803-C, for Construction Work, Provide Main Sanitary Sewer Line, Wyoming Correctional Facility, PO Box 501, 3203 Dunbar Road, Attica (Oneida County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, January 10, 2018, 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 \$41,500 for C.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C.

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

form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 330 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on December 28, 2017 at OGS Attica Field Office, 30 Hunt Blvd., Attica, 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 Kristina Johnson, (585) 591-0356 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). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

For questions about purchase of bid documents, please send an e-mail to DC.Plans@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

**INSTALL
TIE-SWITCH**
Creedmoor Psychiatric Center
Queens Village, Queens County

Sealed bids for Project No. 45253-E, for Electrical Work, Install Tie-Switch, Building 40, Creedmoor Psychiatric Center, 79-25 Winchester Blvd., Queens Village (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 Office of Mental Health, until 2:00 p.m. on Wednesday, January 10, 2018, 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 \$18,800 for E.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$200,000 and \$300,000 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 176 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on December 29, 2017 at Creedmoor Psychiatric Center, OGS Field Office, Building 73, Basement, 80-45 Winchester Blvd. Queens Village, 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 Maria Cappai, (631) 952-6555 a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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

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

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

For questions about purchase of bid documents, please send an e-mail to DC.Plans@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

**MODIFY
MECHANIC BAYS**
Department of Transportation Region 4
Lakeville, Livingston County

Sealed bids for Project Nos. 45496-C, 45496-H, 45496-E, comprising separate contracts for Construction Work, HVAC Work, and Electrical Work, Modify Mechanic Bays, Maintenance HQ, DOT Region 4, Livingston County, 5543 Genesee Lakeville Road, Lakeville (Livingston County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, January 10, 2018, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$22,600 for C, \$4,300 for H and \$4,700 for E.

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

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Hoffman, Carl Ruppert and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John 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 230 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on December 28, 2017 at DOT Region 4, Livingston County, 5543 Genesee Lakeville Road, Lakeville, 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.

For assistance pertaining to the site visit only, please phone Tom Cutter (585) 281-6563.

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

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

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

For questions about purchase of bid documents, please send an e-mail to DC.Plans@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
TREE CLEARING AND REMOVAL**
North Hudson, Essex County

Sealed bids for Project No. 45797-C, for Construction Work, Provide Tree Clearing and Removal on approximately 29 acres of land located on Frontier Town Road in North Hudson (Essex 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 Environmental Conservation, until 2:00 p.m. on Wednesday, January 3, 2018 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 \$23,400 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 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>

As a condition of award, within 5 calendar days of receipt of the proposed Contract Agreement from the State, the 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 the time stated in Section 011000 of the Specifications. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

A pre-bid site visit has been scheduled for 10:30 AM. on December 21, 2018 and for 10:30 AM on December 28, 2018 for prospective bidders to visit the job site to take field measurements and examine existing conditions of the project area. Due to the overall size, condition of the site and the short time frame required to complete the work prospective bidders are strongly encouraged to visit the site during one of the pre-bid site visits.

Phone the office of Patrick Szabo, (518) 639-4162 a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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

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

For questions about purchase of bid documents, please send an e-mail to DC.Plans@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

Developmental Disabilities Planning Council (DDPC)

99 Washington Ave., Suite 1230
Albany, NY 12210

NONPROFIT ORGANIZATIONS;* PUBLIC OR PRIVATE INSTITUTIONS, SUCH AS UNIVERSITIES, COLLEGES, HOSPITALS; DISABILITY-SERVICE ORGANIZATIONS; COMMUNITY-BASED ORGANIZATIONS; CONSORTIA, GROUPS OR PARTNERSHIPS AMONG ORGANIZATIONS

Community Navigators Scenario-Based Training Curriculum and Training Series

Organizations whose staff was involved in the development of this Request for Proposal are not eligible to directly apply or be included as a sub-contractor for another applicant.

*Note: the lead applicant cannot be a for-profit organization; however, for-profit organizations may serve as subcontractors to the lead applicant.

To fund one grantee up to \$150,000 for two-year period (\$75,000 per year) to develop and disseminate a stakeholder-informed instructional curriculum with video-based scenarios (Scenario-Based Training or SBT) to help people with intellectual, developmental and other disabilities learn transportation skills including trip planning and wayfinding, and develop advocacy/self-advocacy skills related to Americans with Disabilities Act (ADA) transportation rights.

OVERVIEW

Access to transportation has the potential to expand participation in community-based opportunities and services, such as employment, housing, health services, and recreation and leisure. Individuals with intellectual, developmental (ID/DD), and other disabilities have been shown to face more barriers to transportation compared to individuals without disabilities including: limited transportation options (e.g., public transportation, paratransit, accessible bi/cycling), attitudinal barriers from service providers and the broader community, and a lack of accessible information on transportation services.

APPROACH

DDPC grant funds will be used to develop (3) video-based modules and supplemental materials. Modules will include scenario-based information and resources designed to help people with intellectual, developmental disabilities (ID/DD) and other disabilities learn and develop effective transportation skills related to trip planning, wayfinding, and advocacy/self-advocacy specifically as it relates to the ADA and transportation. Modules will include accounts from people with ID/DD and other disabilities who engaged in self-advocacy, peer-advocacy or systems-level advocacy to proactively address instances of discrimination or potential discrimination.

Module Topics will include:

1. Transportation Rights and the ADA.
2. Transportation Advocacy.
3. Trip Planning and Wayfinding.

EXPECTED OUTCOMES AND SCOPE OF WORK:

The successful Grantee will:

- Establish a Project Advisory Board that includes people with ID/DD and other disabilities, DDPC Council members, and other rele-

vant stakeholders that will support the development of the grant and represent the racial and ethnic diversity of New York State.

- Complete a review of literature and implement qualitative research to identify the most common scenarios of transportation-related discrimination and/or potential discrimination to inform the creation of instructional, peer-led, advocacy driven videos within the SBT curriculum and training.

- Complete outreach to gather feedback (e.g. through focus groups, and other means) to determine optimal SBT curriculum format(s) and prioritize and update content.

- All developed content and materials should be tailored to the needs of diverse populations throughout New York State, as well as be sensitive to the specific needs of urban and rural communities throughout the state.

- Develop module content that uses multiple forms of media and a variety of engaging activities to accommodate different learning styles, including but not limited to: videos, illustrations, and relevant interactive activities.

- Create supplemental materials and resources designed to be equally effective for self-paced, individual learning and group presentation.

- Pilot curriculum, modules, and supplemental materials online and in-person within at least one (1) Upstate and one (1) Downstate region (2 regions total, based on OPWDD DDROs) of New York State in year one; with the intent to expand statewide (across all 5 regions) in year 2.

- Create and implement an evaluation tool to assess skill acquisition.

- Establish and facilitate ongoing collaboration and partnerships with key stakeholders in the development, piloting, evaluation, and distribution of developed SBT curriculum, training, supplemental materials, and resources. Key stakeholders include, but are not limited to:

- o State and local advocacy organizations,
- o The ADA National Network,
- o Disability Service Providers, such as the ARCs or ILCs,
- o Travel trainers/travel-training organizations, and other relevant service providers.

The full RFP can be downloaded from http://ddpc.ny.gov/council_funding_announcements_responsive.

All interested applicants are required to submit a one page letter of intent by January 26, 2018 to Kimberly.Berg@ddpc.ny.gov. Letters of intent are required for applications to be accepted for this RFP.

It is the applicant's responsibility to check the DDPC website periodically for any amendments to the RFP. All changes will be posted by January 22, 2018 at http://ddpc.ny.gov/council_funding_announcements_responsive. No other notifications will be given.

All final grant applications should be sent to the address listed below and to the attention of Sheila Carey, Executive Director, and must be received by the DDPC office by 3:00 pm on February 16, 2018. No applications will be accepted after this deadline.

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE Division of Criminal Justice Services DNA Subcommittee

Pursuant to Public Officers Law section 104, the Division of Criminal Justice Services gives notice of a meeting of the DNA Subcommittee to be held on:

Date: February 9, 2018
Time: 9:30 a.m.-11:30 a.m.
Place: Empire State Development Corporation (ESDC)
633 3rd Ave.
37th Fl. Board Rm.
New York, NY

Identification and sign-in are required at this location. *For further information, or if you need a reasonable accommodation to attend this meeting, contact:* Catherine White, Division of Criminal Justice Services, Office of Forensic Services, 80 S. Swan St., Albany, NY, (518) 485-5052

PUBLIC NOTICE New York City Deferred Compensation Plan

The New York City Deferred Compensation Plan (the "Plan") is seeking qualified vendors to provide master wrap administrative services for the Stable Income Fund investment option of the Plan. To be considered, vendors must submit their product information to Milliman Investment Consulting at the following e-mail address: sanf.investment.search@milliman.com. Please complete the submission of product information no later than 4:30 P.M. Eastern Time on January 22, 2018. Consistent with the policies expressed by the City, proposals from certified minority-owned and/or women-owned businesses or proposals that include partnering arrangements with certified minority-owned and/or women-owned firms are encouraged. Ad-

ditionally, proposals from small and New York City-based businesses are also encouraged.

PUBLIC NOTICE New York State and Local Retirement System

Pursuant to Retirement and Social Security Law, the New York State and Local Employees' Retirement System hereby gives public notice of the following:

The persons whose names and last known addresses are set forth below appear from records of the above named Retirement System to be entitled to accumulated contributions held by said retirement system whose membership terminated pursuant to Section 613 of the Retirement and Social Security Law on or before November 30, 2017. This notice is published pursuant to Section 109 of the Retirement and Social Security Law of the State of New York. A list of the names contained in this notice is on file and open to public inspection at the office of the New York State and Local Retirement System located at the 110 State St., in the City of Albany, New York. At the expiration of six months from the date of the publication of this notice. The accumulated contributions of the persons so listed shall be deemed abandoned and shall be placed in the pension accumulation fund to be used for the purpose of said fund. Any accumulated contributions so deemed abandoned and transferred to the pension accumulation fund may be claimed by the persons who made such accumulated contributions or, in the event of his death, by his estate or such person as he shall have nominated to receive such accumulated contributions, by filing a claim with the State Comptroller in such form and in such a manner as may be prescribed by him, seeking the return of such abandoned contributions. In the event such claim is properly made the State Comptroller shall pay over to the person or persons or estate making the claim such amount of such accumulated contributions without interest.

Parisio, Frank J - Rhinebeck, NY

For further information contact: Kimberly Zeto, New York State Retirement Systems, 110 State St., Albany, NY 12244, (518) 474-3502

PUBLIC NOTICE Rockland County Deferred Compensation Plan Committee

Pursuant to Section 457 of the Internal Revenue Code, the Rockland County Deferred Compensation Plan Committee (the "Plan" and the "Committee" respectively) is requesting proposals (RFP-RC-2018-002) from firms authorized to do business in New York State to provide Deferred Compensation Services, including serving as the Plan's administrative service agency, marketing/enrollment services, investment management, custodial trustee and related services.

Details of the proposal can be found in the Request for Proposals that can be obtained by registering and downloading the documents from the Empire State Purchasing Group's website at <https://www.bidnetdirect.com/new-york/county-of-rockland?AgencyID=1029&PageType=open>

Pre-proposal questions must be submitted to purchasing@co.rockland.ny.us by December 29, 2017 and proposals must be submitted by January 18, 2018.

For further information, contact: Rockland County Purchasing

Division, Paul J. Brennan, FNIGP, CPPO, Director of Purchasing, 50 Sanatorium Rd., Bldg. A, Second Fl., Pomona, NY 10970, (845) 364-3820

PUBLIC NOTICE

Department of State

F-2016-0130

Date of Issuance – January 3, 2018

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2016-0130, the Cold Spring Harbor Beach Club, 101 Shore Road, Cold Spring Harbor, Town of Huntington, Suffolk County; The applicant is proposing to perform maintenance dredging of the existing marina with un-confined disposal of approximately 3,500 cubic yards of material at the Western Long Island Sound Disposal Site (WLDS).

The applicant's consistency certification and supporting information are also available at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2016-0130-ColdSpringHarborB.C.ConsistencyCertification.pdf>

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, by Thursday, January 18, 2018.

Comments should be addressed to the Department of State, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000; Fax (518) 473-2464. Comments can also be submitted electronically via e-mail at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

F-2017-0963

Date of Issuance – December 27, 2017

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York. Electronic copies of the submission can also be downloaded at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2017-0963_PN.pdf

In F-2017-0963, Eric Novicki, is proposing to place rip rap along the shoreline of (North) Sandy Pond to protect his property, at 102 Cove Road in the Town of Sandy Creek, Oswego County, against wave erosion. The proposal is to place filter fabric along the existing eroded shoreline, then place stone to bring the slope up to a 2:1 ratio. A layer of rip rap will be placed on top. The area will then be backfilled with clean fill to increase the elevation approximately 2 feet. This will be done in two sections, the first will be ~80 linear feet and place up to 20 cubic yards of stone fill below Ordinary High Water (OHW). The

second section will be ~125 linear feet and use up to 20 cubic yards of stone fill below OHW. Project totals ~205 linear feet and up to 40 cubic yards of stone fill below OHW.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, January 11, 2018.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000; Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

F-2017-1017 (DA)

Date of Issuance – January 3, 2018

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

A federal agency has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The agency's consistency determination and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2017-1017 (DA), The U.S. Fish and Wildlife Service is proposing to perform wetland restoration and habitat improvement within Otter Creek, Town of Alexandria, Jefferson County, with the aim to improve habitat connectivity for fish and other wildlife species, and to promote native vegetation diversity. This will be accomplished through the excavation of potholes and connecting channels, and the creation of habitat mounds. Approximately 4,000 cubic yards (cy) of material will be excavated for the potholes and connecting channels and approximately 3,900 cy will be placed for the habitat mounds over a 0.5 acre area. Approximately 1,200 cy of excavated material will be disposed of at an approved upland location.

Additional information regarding the US Fish and Wildlife Service's proposal can be found at: [http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2017-1017\(DA\)USFWSOtterCreekCD.pdf](http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2017-1017(DA)USFWSOtterCreekCD.pdf)

Third parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 10 days from the date of publication of this notice, or by January 13, 2018.

Comments should be addressed to the Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000; Fax (518) 473-2464.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

F-2017-1018 (DA)

Date of Issuance – January 2, 2018

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

A federal agency has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Manage-

ment Program. The agency's consistency determination and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2017-1018 (DA), The U.S. Fish and Wildlife Service is proposing to perform wetland restoration and habitat improvement within North Goose Creek, Goose Bay, Town of Alexandria, Jefferson County, with the aim to improve habitat connectivity for fish and other wildlife species, and to promote native vegetation diversity. This will be accomplished through the excavation of potholes and connecting channels, and the creation of habitat mounds. Approximately 31,100 cubic yards (cy) of material will be excavated for the potholes and connecting channels and approximately 29,800 cy will be placed for the habitat mounds over a 6 acre area.

Additional information regarding the US Fish and Wildlife Service's proposal can be found at: [http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2017-1017\(DA\)USFWSNorthGooseCreekCD.pdf](http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2017-1017(DA)USFWSNorthGooseCreekCD.pdf)

Third parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 10 days from the date of publication of this notice, or by January 13, 2018.

Comments should be addressed to the Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000; Fax (518) 473-2464.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2017-1055 (DA)

Date of Issuance – January 3, 2018

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

A federal agency has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The agency's consistency determination and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2017-1055 (DA), The U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), Office of Coast Survey, is proposing to perform training of crews and testing of hydrographic equipment within the New York State Coastal Zone in Long Island Sound and Fishers Island Sound during the period of 2018 through 2022. The DOS is conducting its review pursuant to 15 CFR Part 930, Subparts C and I.

The stated purpose and background for the proposal, as written in the submitted consistency determination, is as follows:

NOAA's Office of Coast Survey performs hydrographic surveys in U.S. ocean and coastal waters to provide reliable nautical charts and other products necessary for safe navigation. The navigational charts prepared with this survey data help prevent mariners from running ships aground or hitting dangerous obstructions, and are used by all ships moving people and products in and out of U.S. ports.

To ensure that our hydrographic fleet can continue this critical service to the country, NOAA must ensure that its vessels are equipped with the appropriate survey gear, that the gear is operating correctly, and that ship and boat crews are trained to perform their duties safely and efficiently.

The four components of NOAA's training and testing activities for hydrographic vessels include:

1. Vessel Operation
2. Echo Sounder Operation

3. Sound Speed Data Collection

4. Operation of Drop/Towed Cameras and Video Systems

Additional information regarding NOAA's Office of Coast Survey proposal can be found at: [http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2017-1055\(DA\)NOAACoastSurveyHydroTrainingCD.pdf](http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2017-1055(DA)NOAACoastSurveyHydroTrainingCD.pdf)

Third parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or by January 18, 2018.

Comments should be addressed to the Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000; Fax (518) 473-2464.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

OPINIONS OF THE ATTORNEY GENERAL

The full text of an informal or formal opinion of the Attorney General may be obtained by writing to the Office of Legal Records, Department of Law, State Capitol, Albany, NY 12224. Please include the identification number, the date, the section(s) of law considered and the subject of the opinion.

INFORMAL OPINIONS

No. 2017-1

A change in the use of municipal parking spaces on parkland must be authorized by special legislation. *December 13, 2017.*

No. 2017-2

TOWN LAW §§ 176(11), 176-a, 176-a(1), 189-a(2)(d); EXECUTIVE LAW § 23

The positions of assistant fire chief of a joint fire district and county director of emergency services are compatible. *December 13, 2017.*

