
NEW YORK STATE **REGISTER**

INSIDE THIS ISSUE:

- Business Conduct of Mortgage Loan Servicers
- Telehealth
- Life Sciences Initiative Program

Court Notices

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 October 7, 2018
- the 30-day period expires on September 7, 2018

**ANDREW M. CUOMO
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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

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

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

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



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

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

♻️ printed on recycled paper

NEW YORK STATE REGISTER

Be a part of the rule making process!

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

To be considered, comments should reach the agency before expiration of the public comment period. The law provides for a minimum 60-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making, and a 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

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

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

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

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

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

Rule Making Activities

Criminal Justice Services, Division of

- 1 / New Rule 359: Role of Probation in Youth Part of Superior Court (P)
- 5 / Case Record Management (P)
- 7 / Investigations and Reports (P)
- 10 / Probation Supervision (P)
- 12 / Graduated Sanctions and Violations of Probation, Retitled To: Graduated Responses (P)
- 14 / Preliminary Procedure for Article 3 JD Intake, Retitled To: Probation Services for Article 3 Juvenile Delinquency (JD) (P)
- 17 / New Rule 359: Role of Probation in Youth Part of Superior Court (P)

Financial Services, Department of

- 20 / Business Conduct of Mortgage Loan Servicers (E)

Gaming Commission, New York State

- 24 / Blazing 7s Progressive Wager (P)

Justice Center for the Protection of People with Special Needs

- 25 / Protocols for Interviewing Service Recipients (W)

People with Developmental Disabilities, Office for

- 25 / Telehealth (EP)

Public Service Commission

- 26 / Notice of withdrawal
- 27 / Petition for Waiver of Under-Grounding Requirements (A)
- 27 / Submetering of Electricity and Waiver Request (A)
- 27 / Submetering of Electricity (A)
- 28 / Terms of a Water Service Agreement and Waiver of Tariff Provisions (A)
- 28 / Request of the New York Independent System Operator, Inc. to Incur Indebtedness (P)
- 28 / Energy Efficiency Programs and Targets for Investor-Owned Utilities (P)
- 29 / Petition for Clarification and Rehearing of the Rate Order (P)
- 29 / Establishment of the Regulatory Regime Applicable to an Approximately 126 MW Wind Electric Generating Facility (P)
- 30 / Transfer of Assets, Rate Recovery of the Costs of Those Assets, and Lightened Ratemaking Regulatory Regime (P)
- 30 / Rules for Value Stack Compensation of Hybrid Storage and Distributed Generation (P)

Urban Development Corporation

- 30 / Life Sciences Initiative Program (E)

Hearings Scheduled for Proposed Rule Makings / 33

Action Pending Index / 35

Securities Offerings

- 77 / State Notices

Advertisements for Bidders/Contractors

- 79 / Sealed Bids

Miscellaneous Notices/Hearings

83 / Notice of Abandoned Property Received by the State Comptroller

83 / Public Notice

Court Notices

91 / Uniform Rules for the Supreme and County Courts

RULE MAKING ACTIVITIES

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

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

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

Division of Criminal Justice Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

New Rule 359: Role of Probation in Youth Part of Superior Court
I.D. No. CJS-32-18-00004-P

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

Proposed Action: Repeal of Appendix H-10; addition of new Appendix H-10 to Title 9 NYCRR.

Statutory authority: Executive Law, sections 243(1), 257(1), (6)(a) and (b)

Subject: New Rule 359: Role of Probation in Youth Part of Superior Court.

Purpose: Update job specifications and required knowledge, skills, and abilities for probation professionals employed by localities.

Substance of proposed rule (Full text is posted at the following State website: <http://www.criminaljustice.ny.gov/>): These proposed amendments enact a new Appendix H-10, entitled “Standard Specifications for Professional Probation Positions” which is referenced in Title 9 NYCRR Part 347, the Division of Criminal Justice Services (DCJS) Probation Management Rule, specifically Rule § 347.4(f). By repealing and adding a new Appendix H-10, it updates, clarifies, and strengthens regulatory provisions to accurately reflect current duties and responsibilities, and required knowledge, skills, and abilities of probation professionals. Through updated education and experience requirements in the job specifications, these amendments promote the hiring of appropriate candidates, as well as the professional development and growth of qualified probation professionals. It also provides clear paths of promotional and open com-

petitive ascendancy for qualified probation professionals into leadership positions, while creating opportunities for a broadened pool of candidates eligible for hiring and/or promotion, as applicable.

Revision of Appendix H-10 is necessary to reflect changes in the duties and responsibilities of probation professionals since the existing Appendix was last updated, several decades ago. These revisions also update typical job duties to incorporate best practices in probation and community corrections (e.g. risk/need assessments and cognitive behavioral interventions) which have been developed and supported by research. The revisions further update the required knowledge, skills, and abilities of probation professionals in performance of their increasingly complex work, including investigation and supervision of an increased number of specialized populations, including, but not limited to, young offenders, criminal justice involved females, sex offenders, offenders with mental health diagnoses, DWI offenders.

These amendments also recognize the recent change to Executive Law (EL) § 257(6)(a), which requires non-competitive appointment of probation directors in jurisdictions outside New York City (NYC) with populations over 300,000 (formerly 400,000) and requires one Deputy Director to be classified non-competitively where a jurisdiction’s population is over 300,000.

Below is a summary of changes for each subject job title in the revised Appendix as compared to the existing Appendix:

The current version of Appendix H-10 contains fourteen job specifications for probation professional positions ranging from Probation Assistant to Probation Director IV. Changes include:

- The existing Appendix classifies probation departments by number of Probation Officers. In contrast, this proposal groups probation departments as follows, taking into consideration staffing levels and (at certain levels) county population as well:

Proposed Probation Department Groupings

- | | |
|---------|--|
| Group A | Employs nineteen or fewer professional probation officer (PO) positions at various levels. |
| Group B | Employs twenty to forty-nine professional PO positions at various levels. |
| Group C | Employs fifty or more probation professionals at various levels in a jurisdiction with a population less than 400,000.
OR
Where the population of the jurisdiction served is greater than 300,000 and less than 400,000. |
| Group D | Serves a jurisdiction having a population of 400,000 or more. |

- The current Appendix contains fourteen job specifications for probation professional positions ranging from Probation Assistant to Probation Director IV. This proposal adds and retitles certain positions, including adding and/or updating the Distinguishing Features of the Class, Typical Work Activities, Full Performance Knowledge Skills, and Abilities of all positions, and makes other changes as follows:

Probation Assistant – updates phrasing of the Open Competitive Minimum Qualifications (OCMQ).

Probation Officer 1 Trainee - updates OPMQ and includes a Promotion Qualification (PQ) for persons serving in title of Probation Assistant who also meet educational requirements for the position.

Probation Officer 1 - updates phrasing of the OCMQ.

Probation Officer 2/Senior Probation Officer - updates OCMQ and PQ. In the OCMQ, previous experience as a Probation Officer was relaxed from three years to two years. Previous experience as a Probation Officer was relaxed in the PQ from two years to one year. These changes will expand the pool of eligible candidates.

Probation Supervisor 1 - updates OCMQ. In the OCMQ, two years’ experience as a Probation Officer II is now included as acceptable experience.

Probation Supervisor 2 - updates OCMQ and PQ.

Deputy Probation Director (Group B) - While a Deputy Director II position was referenced in the current Appendix as qualifying experience for a higher title, a job specification for the position does not currently exist and has been added with OCMQ and PQ.

Deputy Probation Director (Group C) - Formerly Deputy Probation Director III - updates OCMQ and PQ. As this title may be used in all Group C jurisdictions, the proposed language specifies that OCMQ are to be used for appointment to positions in the non-competitive (NC) class (applies to counties with population greater than 300,000) or by open competitive (OC) appointment (applies to counties with population up to 300,000), while the PQ are to be used for appointment to a competitive class position (applies to counties with population up to 300,000). Replaces general language of "Three (3) years experience in a supervisory or administrative position having responsibility for more than 15 probation officers in a probation agency" found in the OCMQ with specific references to time served in various probation professional titles.

Assistant Probation Director (Group D) - Formerly Assistant Probation Director IV - updates OCMQ and PQ. Replaces general language of "Three (3) years experience in a supervisory or administrative position having responsibility for more than 15 probation officers in a probation agency" found in the OCMQ with specific references to time served in various probation professional titles. In the PQ, required experience as a Probation Supervisor I has been relaxed from three years to two years.

Deputy Probation Director (Group D) - Formerly Deputy Probation Director IV - updates OCMQ and PQ. Specifies that OCMQ are to be used for appointment to positions in the NC class, while the PQ are to be used for appointment to a competitive class position. Replaces general language of "Four (4) years experience in a supervisory or administrative position having responsibility for more than 35 probation officers in a probation agency" found in the OCMQ with specific references to time served in various probation professional titles. Adds service of three (3) years as a Probation Supervisor I as acceptable PQ experience.

Probation Director (Group A) - Formerly Probation Director I - updates phrasing of the OCMQ and PQ. Rather than four years experience as a probation officer found in the current Appendix, the OCMQ in the proposed revision requires two years of experience as a Probation Supervisor I. Similarly in the PQ, experience as a probation officer or senior probation officer/probation officer II was replaced by a minimum requirement of one year experience as a Probation Supervisor I. Experience as a Probation Supervisor was determined by the workgroup to be essential experience for a candidate for this position.

Probation Director (Group B) - Formerly Probation Director II - updates OCMQ and PQ. In the OCMQ, the general phrasing of "Three (3) years experience in a supervisory or administrative position in a probation agency", has been replaced with specific references to time served in various probation professional titles. Two years of experience as a Probation Supervisor I has been added as acceptable minimum PQ experience. These changes ensure that candidates have appropriate experience in the field.

Probation Director (Group C) - Formerly Probation Director III - updates OCMQ and PQ. In the existing Appendix, both Probation Director III and Probation Director IV were described in the same job specification. The proposed revision, splits these titles into distinct job specifications. As this title shall be used in both jurisdictions with populations of 300,000 and below meeting minimum staffing level requirements or with populations greater up to 399,999, new language specifies that the OCMQ are to be used for appointment to positions in the NC class (applies to counties with populations greater than 300,000) or for competitive appointment (applies to other Group C counties with population up to 300,000), while the PQ are to be used for interagency appointment to the competitive class position (applies to Group C counties with population up to 300,000). The proposed revision cites experience in specific probation professional titles to ensure that candidates have appropriate experience in the field.

Probation Director (Group D) - Formerly Probation Director IV - updates OCMQ. In the existing Appendix H-10, both Probation Director III and Probation Director IV were described in the same job specification. The proposed revision, splits these titles into distinct job specifications. The proposed revision cites experience in specific probation professional titles. These changes ensure that candidates have appropriate experience in the field.

Probation Officer 1 (Community Liaison) - Formerly Probation Officer (Minority Group Specialist) - updates OCMQ. Through consultation with the NYS Department of Civil Service and the Division of Human Rights, previous language which stated that the position addressed the under representation of minorities in their respective local probation departments has been eliminated to reflect case law in this area. Among the distinguishing features is language "...identifying and relating to specific problems experienced by a particular minority group(s)." Qualifications detail special education and other experiential requirements, rather than racial or ethnic heritage. This change will still achieve the needs of jurisdictions interested in a specialized title.

Probation Officer 1 (Other Language) - Formerly Probation Officer (Spanish Speaking) - updates phrasing of OCMQ. The re-titling of this position allows local jurisdictions the authority to create and classify positions of Probation Officer I which also require fluency in a language other than the English language in order to enhance probation services and take into account community needs. This additional language skill would be evaluated during the probationary term. This change provides greater flexibility to localities by letting them establish "other language" positions which suit the needs of the community.

Text of proposed rule and any required statements and analyses may be obtained from: Natasha M. Harvin-Locklear, Division of Criminal Justice Services, 80 South Swan Street, Albany, NY 12210, (518) 457-8413, email: dcjslegalrulemaking@dcjs.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority:

Executive Law (EL) § 243 establishes that the Division of Criminal Justice Services (DCJS) Office of Probation and Correctional Alternatives (OPCA) shall exercise general supervision over the administration of probation services throughout the state, and further establishes the authority of DCJS to promulgate rules regulating methods and procedures of the administration of probation services. Further, EL § 257(1) recognizes the authority of DCJS to require additional minimum qualifications for probation personnel and set forth procedures to be followed in appointment of all probation personnel. EL § 257(6)(b) also recognizes DCJS' statutory rulemaking authority.

2. Legislative objectives:

Statutory law establishes the clear authority of DCJS to establish minimum standards governing probation professional positions. EL § 257(1) further states that, "Probation officers shall be selected because of definite qualifications as to character, ability and training, and primarily with respect to their capacity for rightly influencing human behavior." The existing Appendix H-10 has not been updated in decades, and the proposed amendments will reflect the current duties and responsibilities, as well as the required knowledge, skills, and abilities of probation professionals to perform their duties in the criminal and juvenile justice systems.

3. Needs and benefits:

Rule amendments are necessary to reflect changes in the duties and responsibilities of probation professionals which have occurred since the existing Appendix was last updated decades ago. The proposed revisions also update typical job duties to incorporate best practices in probation and community corrections which have been developed and supported by research. The proposed revision further updates the required knowledge, skills, and abilities of probation professionals in performance of this work. The proposed changes are the culmination of the efforts of a statewide Probation Professional Qualifications, Recruitment, and Retention Workgroup comprised of probation professionals from urban, rural, and suburban counties across New York State (NYS), NYS Department of Civil Service (NYS Civil Service) staff, DCJS staff, and county human resource personnel.

Importantly, workgroup membership included representatives of the New York State Probation Commission, the Council of Probation Administrators (COPA), and the New York State Probation Officers Association (POA) to ensure input from those organizations. The State Probation Commission serves an advisory role to the Director of DCJS' Office of Probation and Correctional Alternatives (OPCA), while COPA and POA are professional probation associations. In addition to workgroup meetings, the proposed revisions, were informed by a statewide job study of all titles found in the existing Appendix, which surveyed all incumbents in the positions. NYS Civil Service further conducted regional focus groups to gather information from incumbents in the various probation professional titles, with participation from urban, suburban, and rural jurisdictions. Additionally, NYS Civil Service representatives visited several probation departments in further developing their recommendations.

Prior drafts of the proposed amendments were shared with all probation directors in June 2015 and December 2016. Responses were received directly from a limited number of probation directors, as well as from COPA. Feedback received from the field was discussed with the State Probation Commission in meetings held on November 19, 2015 and April 19, 2016. Feedback from these sources resulted in several changes being made. There were limited instances where feedback was received on points which had already been considered by the workgroup in the development of the revised specifications. Additionally, a draft of the proposed revision was provided to county civil service agencies by the New York State Department of Civil Service. Responses received were generally procedural, and did not require further revision to the proposal. DCJS, however, did make additional minor changes to the most recently circulated draft

version of this Appendix to provide greater clarity and flexibility in language consistent with our agency intent.

4. Costs:

a. Local civil service agencies may incur minor administrative expenses, resulting in the reclassification of positions, and updating of local civil service exam announcements which will occur following implementation of this revision. These functions are considered typical business activities of a local civil service agency.

b. No additional costs are anticipated to be incurred by DCJS. Upon adoption of the proposed amendments, NYS Civil Service will develop and administer updated examinations to reflect the resulting changes to the probation professional job specifications. However, administrative work is a typical business function of that agency and therefore no additional costs are anticipated.

c. DCJS anticipates that the proposed revision of general group staffing will result at most with minimal costs to probation departments.

5. Local government mandates:

Upon the adoption of the revised job specifications, local civil service agencies will need to review and reclassify positions as necessary to reflect such changes. This is a routine business function of local civil service agencies which will result in only minor administrative costs. The proposed Appendix H-10 would clarify that a Supervisory position is required for every 4-7 probation professionals, even in the Group A departments, was determined to be important for effective management and delivery of probation services, as well as succession planning and therefore incorporated into this proposed new Appendix-10. . No probation department or civil service agency raised objection to changing existing permissive language in this area. This specific change would impact two probation departments to establish a Probation Supervisor position, reclassify another existing position, or request a waiver from DCJS.

6. Paperwork:

DCJS does not anticipate the need for any new reporting requirements, departments, forms, or other paperwork that would be required of local probation. Upon adoption, local civil service agencies will need to issue updated job specifications/classifications, revised examination announcements, and other documents, to reflect the resulting changes as necessary.

7. Duplication:

These amendments do not duplicate any other existing State or Federal requirements.

8. Alternatives:

This proposal takes into account the extensive efforts of the statewide workgroup, NYS Civil Service, DCJS, and probation professional organizations, and reflects input received from probation professionals across the state. Several alternatives were considered throughout this process. Prior drafts of the revised job specifications were distributed to all Probation Directors in June 2015 and December 2016, and was subsequently discussed with the Probation Commission at two Commission meetings. The input received from that dissemination and discussion was taken into consideration, and resulted in the incorporation of certain changes. The modifications to job specifications ensure appropriate experience and qualifications for probation professionals as they enter the field, and ascend through the ranks, while providing flexibility in hiring/promoting to localities through broadening of the candidate pools. Maintaining the current Appendix with no changes is not in the best interest of the field or localities, given the dated material contained therein, and the narrow hiring/promotional requirements which in many cases would still require localities to obtain waivers from DCJS to fill professional probation positions. Repealing the current Appendix H-10 without issuing a revision was deemed inappropriate as it would abdicate our statutory authority to impose additional qualifications and provide no assurance that qualified persons would be placed in probation professional positions, and would lead to inconsistency across the state, thereby creating obstacles to fill positions through transfer or hiring of probation professionals from another jurisdiction.

9. Federal standards:

None.

10. Compliance schedule:

DCJS, in consultation with NYS Civil Service has determined that a minimum of six months is appropriate as an effective implementation date of these revisions to the Appendix and DCJS will solicit their input again prior to final adoption.

Regulatory Flexibility Analysis

1. Effect of rule:

The proposed amendments affect all local probation departments in New York State (NYS) and therefore the 57 counties outside of New York City (NYC), as well as NYC. The proposed amendments do not have any impact on small businesses.

2. Compliance requirements:

All local civil service agencies will need to review the job specifications contained within the amendments and proceed with reclassification

where necessary, and upon adoption will further need to prepare and issue updated exam announcements reflective of the revisions. Through existing statutory and regulatory submission of an Annual Probation Plan, each probation director certifies compliance with probation laws and applicable rules and regulations, including Appendix H-10.

3. Professional services:

It is not anticipated that any professional services will be required to comply with the proposed regulatory changes.

4. Compliance costs:

The proposed revisions will not result in any additional costs to small businesses. The aforementioned activities which will be required by local civil service agencies are routine business activities for such agencies, and only minor additional costs are anticipated. The proposed revision of general group staffing should result at most with minimal costs to probation departments. Two jurisdictions which do not currently employ a Probation Supervisor would need to add a position, reclassify another existing position, or in the alternative request a waiver from DCJS. However, neither of these two probation departments nor their local civil service agencies communicated opposition of having a Supervisor position after receiving prior drafts of the proposed new Appendix H-10. Clarifying that a Supervisory position is required for every 4-7 probation professionals was determined to be important for effective management and delivery of probation services, as well as succession planning and therefore incorporated into this proposed new Appendix-10.

5. Economic and technological feasibility:

The proposed amendments consist of an adoption of a new Appendix H-10, and does not place any new economic or technological requirements on localities.

6. Minimizing adverse impact:

DCJS does not anticipate that the proposed changes will have any adverse impact on local governments or small businesses. DCJS remains steadfast in its efforts to minimize adverse impact of the existing rule and any proposed changes upon local government. The revision provides clear paths of promotional and open competitive ascendancy for qualified probation professionals into leadership positions, while also creating the opportunity for a broadened pool of persons eligible for selection and promotion for localities to hire/promote from thereby minimizing any potential adverse impact.

The proposed changes are the culmination of the efforts of a statewide Probation Professional Qualifications, Recruitment, and Retention Work group comprised of probation professionals from urban, rural, and suburban counties, NYS Civil Service staff, DCJS staff, and county human resource personnel. Importantly, workgroup membership included representatives of the State Probation Commission, the NYS Council of Probation Administrators (COPA), and the NYS Probation Officers Association (POA). The Probation Commission serves an advisory role to the Director of DCJS' Office of Probation and Correctional Alternatives (OPCA), while COPA and POA are professional probation associations. This collaboration was critical in developing a revised Appendix which both ensures the appropriate experience and qualifications of persons being hired or promoted by probation departments, while providing localities greater flexibility through broadened pools of eligible candidates.

In addition to workgroup meetings, the proposed revisions were informed by a statewide probation job study of all listed titles in the Appendix, which surveyed all incumbents in these positions. NYS Civil Service further conducted regional focus groups to gather information from incumbents in the various probation professional titles, with participation from urban, suburban, and rural jurisdictions. Additionally, NYS Civil Service representatives visited a few selected probation departments in further developing their recommendations. Prior drafts of the proposed amendments were shared with all probation directors in June 2015 and December 2016. Responses were received directly from a limited number of probation directors, as well as from COPA. Feedback from these sources resulted in several changes being made. There were limited instances where feedback was received on points which had already been considered by the workgroup in the development of the revised specifications, and therefore did not result in further changes.

In developing the proposed amendments, the workgroup also took into consideration the pattern of DCJS waivers previously granted to probation departments regarding minimum qualifications for certain probation professional positions, and where possible incorporated the flexibility granted into the proposed revisions.

7. Small business and local government participation:

The proposed amendments do not involve, and will have no impact on small businesses. The proposed amendments were developed through a variety of sources, including the aforementioned workgroup, a statewide job study survey of probation professionals, and focus groups. The NYS Civil Service also conducted site visits to certain probation departments to interview probation professionals. Further, prior drafts of the proposed amendments were shared with all probation directors in June 2015 and

December 2016. Feedback was received from a number of probation directors, as well as from COPA. This feedback was further discussed with the State Probation Commission in meetings held on November 19, 2015 and April 19, 2016. All input, feedback, and discussion were taken into consideration in developing the proposed amendments. As such, ample opportunity was provided to local government to review and participate in the development of the proposed amendments. Additionally, a draft of the proposed revision was provided to county civil service agencies by the New York State Department of Civil Service. Responses received were generally procedural, and did not require further revision to the proposal. DCJS, however, did make additional minor changes to the most recently circulated draft version of this Appendix to provide greater clarity and flexibility in language consistent with our agency intent.

Rural Area Flexibility Analysis

1. Types and estimated number of rural areas:

Executive Law § 481(7), defines rural areas as “counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, programs and such other entities or resources as are found therein. In counties of two hundred thousand or greater population, ‘rural areas’ means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein.” There are 44 counties in New York State (NYS) that have populations of less than 200,000 people.” Accordingly, 44 local probation departments are located in rural areas.

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

With limited exception, DCJS does not anticipate that the proposed revision will result in any changes to reporting, recordkeeping and other compliance requirements of rural counties. Two jurisdictions which do not currently employ a Probation Supervisor would need to add a position, reclassify another existing position, or in the alternative request a waiver from DCJS. However, neither of these two probation departments nor their local civil service agencies communicated opposition of having a Supervisor position after receiving prior drafts of the proposed new Appendix H-10. Clarifying that a Supervisory position is required for every 4-7 probation professionals, even in these smallest departments, was determined to be important for effective management and delivery of probation services, as well as succession planning and therefore incorporated into this proposed new Appendix-10.

All local civil service agencies, regardless of urban, suburban, or rural settings, will need to review the titles found in the amended Appendix H-10: Standard Specifications for Professional Probation Positions and proceed with review and update, including reclassification of positions where necessary. Upon adoption, local civil service agencies will further need to prepare and issue updated exam announcements reflective of the revisions. No professional services are required for these activities.

3. Costs:

Only minor administrative costs will be experienced by rural, and other, areas resulting from proposed regulatory changes. As noted above, local civil service agencies will need to update professional probation position specifications and reclassify titles where necessary upon final adoption. These tasks are routine functions of a local civil service agency and may result in minor administrative costs. The proposed revision of general group staffing should result at most with minimal costs to probation departments.

4. Minimizing adverse impact:

DCJS does not anticipate that the proposed changes will have any adverse impact on rural areas. For many professional probation positions utilized in rural areas, the proposed amendments provide greater flexibility in hiring/promotion by broadening the pool of eligible candidates wherever possible. For the smallest probation departments (formerly referred to as Group I Departments) there will be an added minimum qualification of previous experience as a Probation Supervisor to be eligible for the position of Probation Director (Group A) in the re-groupings found in the proposed amendments. The four (former Group I) departments did not object regarding this added qualification. Further, the NYS Council of Probation Administrators (COPA) did not express any concern regarding this change in their response to the prior DCJS draft sent to the field. This added qualification was deemed of critical importance by the statewide Probation, Professional Qualifications, Recruitment, and Retention Workgroup, which included representatives of probation departments in rural counties, the State Probation Commission, COPA, and the NYS Probation Officers Association (POA), given the increasingly complex work managed by probation directors in the criminal and juvenile justice systems even in the smallest jurisdictions. In addition to filling the positions via open competitive or promotional examination, the NYS Department of Civil Service (NYS Civil Service) is available to offer guidance to localities regarding the opportunity to fill these positions through transfer, and other means as authorized in Civil Service Law such as non-

competitive examination, thereby minimizing any adverse impact which may occur. Following implementation of the revised Appendix H-10, a local application for waiver still can be submitted to DCJS should a jurisdiction require relief from that added qualification.

5. Rural area participation:

Several sources were used in the development of the proposed amendments, including the aforementioned workgroup, a statewide job study survey of probation professionals administered by NYS Civil Service, focus groups, and visits by Civil Service Staff to several probation departments. During its tenure, probation directors and other probation professionals from rural counties, counties with rural areas, as well as DCJS staff with extensive experience in rural probation departments actively participated in the development of the proposed amendments. Further, participation of COPA and POA representatives ensured a statewide perspective in the process. Probation professionals in rural areas responded to the survey, and participated in the focus groups. Further, prior drafts of the proposed amendments were shared with all probation directors in June 2015 and December 2016, including those in rural areas. Feedback received resulted in certain changes being made to address concerns expressed by constituents. This feedback has been discussed with the State Probation Commission at two Commission meetings. Additionally, a draft of the proposed revision was provided to county civil service agencies by the New York State Department of Civil Service. Responses received were generally procedural, and did not require further revision to the proposal. DCJS, however, did make additional minor changes to the most recently circulated draft version of this Appendix to provide greater clarity and flexibility in language consistent with our agency intent.

Job Impact Statement

1. Nature of impact:

The proposed amendments make substantive and technical changes to Appendix H-10, entitled “Standard Specifications for Professional Probation Positions” which is referred to in DCJS’ Probation Management Rule, 9 NYCRR Part 347, specifically § 347.4(f). Overall, it updates, clarifies, and strengthens regulatory provisions to accurately reflect current duties and responsibilities, and required knowledge, skills, and abilities of probation professionals. Through updated education and experience requirements in the job specifications found in the Appendix H-10, the amendments promote the hiring of appropriate candidates, as well as the professional development and growth of qualified probation professionals. The revisions also establish clear paths of promotional and open competitive ascendancy for qualified probation professionals into leadership positions as applicable, while also creating the opportunity for a broadened pool of persons eligible for hire and/or promotion to other probation professional positions. The amendments also recognize the 2015 change to Executive Law § 257(6)(a), which requires non-competitive appointments of probation directors in counties (outside New York City) with populations over 300,000 (formerly 400,000). These changes will not result in any impact to probation professionals serving in their current titles. Upon adoption of this revised Appendix and its’ effective date, persons currently serving in one of the Professional Probation Positions will continue to hold their positions without further examination. The Minority Group Specialist position found in the existing Appendix has been re-titled Probation Officer 1 (Community Liaison). Through consultation with the NYS Department of Civil Service (NYS Civil Service) and the NYS Division of Human Rights, previous language which stated that the position addressed the under representation of minorities in their respective local probation departments has been eliminated to reflect case law in this area. The distinguishing features of the class for the new title includes “...identifying and relating to specific problems experienced by a particular minority group(s).” Use of this title is permissible, as the qualifications detail special education and other experiential requirements, rather than racial or ethnic heritage. As such, use of the new title will achieve the needs of the jurisdictions which utilize this specialized title. Additionally, the previous title of Probation Officer (Spanish Speaking) has been re-titled as Probation Officer 1 (Other Language) which allows local jurisdictions the authority to create and classify positions of Probation Officer I which also require fluency in a language other than the English language in order to enhance probation services and take into account community needs. This additional language skill would be evaluated during the probationary term. This “other language” option will also be available to positions who are the primary probation professionals communicating with the population served.

2. Categories and numbers affected:

The proposed amendments do not affect the more than 2,500 probation professionals currently serving in positions enumerated in the existing Appendix as they will be “held harmless” and will continue to hold their positions without further examination. As to existing promotional and open competitive civil service lists which may exist, individuals on current eligible lists that meet or exceed the revised qualifications may remain

eligible for appointment. However, individuals who do not meet or exceed the revised qualifications will be restricted from appointment and will need to qualify for and participate in a new examination to be eligible for appointment. NYS Civil Service will be available to assist local civil service agencies with any questions relative to an individual's eligibility for appointment. Examinations for positions responsible for probation services are typically offered on an annual basis providing interested probation professionals the ability to qualify for and compete for appointment.

3. Regions of adverse impact:

The revised Appendix will have no adverse or disproportionate impact on jobs or employment opportunities in any region of NYS. However, the smallest probation departments in the state (formerly referred to as Group I Departments) will have an added minimum qualification of previous experience as a Probation Supervisor to be eligible for the position of Probation Director (Group A) in the re-groupings found in the proposed amendments. The four (former Group I) departments did not express any concern regarding this added qualification in response to the draft previously sent to all probation directors by DCJS. Further, the NYS Council of Probation Administrators (COPA) did not express any concern regarding this change in their response to the prior DCJS draft sent to the field. This added qualification was deemed of critical importance by the workgroup, which included representatives of COPA, State Probation Commission, and the NYS Probation Officers Association (POA), given the increasingly complex work managed by probation directors in the criminal and juvenile justice systems even in the smallest jurisdictions. In addition to filling the positions via open competitive or promotional examination, NYS Civil Service is available to offer guidance to localities regarding the opportunity to fill these positions through transfer, and other means as authorized in Civil Service Law such as non-competitive examination, thereby minimizing any adverse impact which may occur. Following implementation of the revised Appendix, an application for waiver still can be submitted to DCJS should a jurisdiction require relief from that added qualification.

4. Minimizing adverse impact:

DCJS does not anticipate that these regulatory amendments will have an adverse impact on jobs or employment opportunities. The proposed changes are the culmination of the efforts of a statewide Probation Professional Qualifications, Recruitment, and Retention Workgroup comprised of probation professionals from urban, rural, and suburban counties, NYS Civil Service staff, DCJS staff, and county human resource personnel. Importantly, workgroup membership included COPA and POA representatives. The Probation Commission serves an advisory role to the Director of DCJS' Office of Probation and Correctional Alternatives (OPCA), while COPA and POA are professional associations which serve in advocacy roles for their members. In addition to workgroup meetings, the proposed revisions, were informed by a statewide job study of all Appendix titles which surveyed all incumbents in the positions. NYS Civil Service further conducted regional focus groups to gather information from incumbents in the various probation professional titles, with participation from urban, suburban, and rural jurisdictions. Additionally, NYS Civil Service representatives visited several selected probation departments in further developing their recommendations. Prior drafts of the proposed amendment were shared with all probation directors in June 2015 and December 2016. Responses were received directly from a limited number of probation directors, as well as from COPA. Feedback received from the field was discussed with the State Probation Commission in meetings held on November 19, 2015 and April 19, 2016. Feedback from these sources resulted in several changes being made. There were limited instances where feedback was received on points which had already been considered by the workgroup in the development of the revised specifications, and therefore did not result in further changes. Additionally, a draft of the proposed revision was provided to county civil service agencies by the New York State Department of Civil Service. Responses received were generally procedural, and did not require further revision to the proposal.

In addition to the open competitive and promotional opportunities described in Appendix H-10, NYS Civil Service is available to provide guidance to localities regarding other means of filling certain positions, including transfers and other options permissible in Civil Service law.

5. Self-employment opportunities:

Probation professionals are employed by New York's 58 probation departments (57 county-based and NYC), and as such, the proposed amendments do not involve self-employment opportunities.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Case Record Management

I.D. No. CJS-32-18-00005-P

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

Proposed Action: Amendment of sections 348.1, 348.4, 348.5, 348.6; addition of section 348.7 to Title 9 NYCRR.

Statutory authority: Executive Law, section 243(1); Criminal Procedure Law, art. 722; Family Court Act, art. 3

Subject: Case Record Management.

Purpose: Update existing rule to reflect services which will be performed by probation departments as a result of Raise the Age Law.

Text of proposed rule: Subdivision (c) of section 348.1 of 9 NYCRR is amended to read as follows:

(c) Probation services include intake, investigation, supervision, *voluntary assessment and case planning services*, and any other special services.

Subdivisions (b) and (e) of section 348.4 of 9 NYCRR are amended to read as follows:

(b) The contents of the case record shall include information and/or documents of:

- (1) Intake services, where applicable.
- (2) Pretrial services, where applicable.
- (3) Pre-dispositional services, where applicable.
- (4) *Voluntary assessment and case planning services, where applicable.*

(5) [(4)] Arrest, complaint, appearance ticket, and any other legal information and/or documents obtained or generated.

(6) [(5)] Any probation investigation and report and related information and/or documents.

(7) [(6)] All probation supervision-related information and/or documents, including order and conditions, risk and needs assessment(s), applicable interstate/intrastate transfer records, case plan.

(8) [(7)] Any victim impact statement and information, where available.

(9) [(8)] All correspondence received relating to or associated with the case.

(e) Each probation department shall establish an index filing system for all cases which may be established and maintained in an automated system. The minimum data in any file shall include:

- (1) Individual's name and date of birth.
- (2) Identifying case information:
 - (i) Probation, *pre-dispositional supervision*, or interim probation supervision period.
 - (ii) Court Control/Criminal Justice Tracking Number.
 - (iii) New York State Identification (NYSID), where applicable.
 - (iv) Social Security number, where available.
- (3) Type of complaint or conviction/adjudication.
- (4) Court's disposition and date.
- (5) [Probation discharge] *Discharge* date and type of discharge.

Sections 348.5- 348.6 of 9 NYCRR are renumbered Sections 348.6-348.7 respectively.

New Section 348.5 to 9 NYCRR is added to read as follows:

§ 348.5 *Investigation Record Keeping Requirements*
Investigation records shall include the following:

- (a) *Court order for the Investigation.*
- (b) *Supportive documentation in the preparation of the investigation including but not limited to:*

- (i) *Accusatory instruments, indictment, and/or petition*
- (ii) *Defendant/respondent statements*
- (iii) *Victim statements*
- (iv) *Arrest report(s)*
- (v) *Related correspondence*
- (vi) *Release of information requests and responses*
- (vii) *Related records*
- (viii) *Criminal history record information*
- (ix) *Certificate of Conviction*
- (x) *any investigation worksheet and/or notes*

- (c) *Completed investigation report.*

Subparagraphs (vi) and (vii) of paragraph 1 of subdivision (a) of Section 348.6 of 9 NYCRR are amended to read as follows:

(vi) any modification of case plan, conditions of probation, *pre-dispositional supervision*, or interim probation supervision and reclassification of the supervision level; and

(vii) summary of the use of graduated [sanctions] *responses*, any violation of probation, *pre-dispositional supervision*, or interim probation supervision, re-arrest/reconviction information, and any other probation and/or court action(s) and outcome(s).

Paragraphs 4-10 of subdivision (c) of Section 348.7 of NYCRR are renumbered paragraphs 5-11 respectively.

New paragraph 4 of subdivision (c) of Section 348.7 of 9 NYCRR is added to read as follows:

(4) *Voluntary assessment and case planning services. When preparing a pre-sentence investigation report of any adolescent offender or juvenile offender, the probation department shall incorporate a summary of*

any assessment findings, referrals and progress with respect to mitigating risk and addressing any identified needs. The department may make a recommendation regarding completion of the case plan to the Youth Part and provide such information as it shall deem relevant.

Text of proposed rule and any required statements and analyses may be obtained from: Natasha M. Harvin-Locklear, Division of Criminal Justice Services, 80 South Swan Street, Albany, NY 12210, (518) 457-8413, email: dcjslegalrulemaking@dcjs.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority:

Executive Law (EL) § 243 establishes that the Division of Criminal Justice Services (DCJS) Office of Probation and Correctional Alternatives (OPCA) shall exercise general supervision over the administration of probation services throughout the state, and further establishes the authority of DCJS to promulgate rules regulating methods and procedures of the administration of probation services. Further, EL§ 257 (6) (b) also recognizes DCJS' statutory rulemaking authority.

2. Legislative objectives:

Statutory law establishes the clear authority of DCJS to establish minimum standards governing probation practice. The proposed amendments to the Case Record Management rule will reflect the justice system process points created by or emphasized in "raise the age" legislation.

3. Needs and benefits:

Rule amendments are necessary to reflect changes in the record keeping function of the duties and responsibilities of probation professionals which will occur due to "Raise the Age" legislation, effective October 1, 2018.

The proposed changes are the culmination of the efforts of a statewide Probation RTA Rule revision Workgroup comprised of probation professionals from urban, rural, and suburban counties across New York State (NYS) and DCJS staff.

Importantly, workgroup membership included representatives of the New York State Council of Probation Administrators (COPA), and the New York State Probation Officers Association (POA) to ensure input from those organizations. COPA and NYSPOA are professional probation associations. The proposed revisions evolved through a series of workgroup meetings.

Prior drafts of the proposed amendments were shared with all probation directors in March 2018. Responses were received directly from a limited number of probation directors, as well as from COPA. Feedback from these sources resulted in few changes being made. DCJS, however, did make additional minor changes to the most recently circulated draft version of this rule to provide greater clarity and flexibility in language consistent with our agency intent.

4. Costs:

a. Local probation departments will not incur any additional expenses due to the proposed revisions. As part of the State's efforts to streamline and support cost efficiencies in recordkeeping, DCJS-OPCA has long supported the deployment of web-based case management software, known as Caseload Explorer. Currently, 56 departments participate, and one additional department is in the process of implementation. As to any anticipated in-service costs of educating staff, DCJS believes orientation can be readily accomplished through memoranda and supervisory oversight without incurring any direct costs.

b. No additional costs are anticipated to be incurred by DCJS.

c. DCJS anticipates that the proposed revision of this rule will result in no costs to probation departments.

5. Local government mandates:

DCJS-OPCA always had agency rules governing Probation Case Record Management, and therefore DCJS does not anticipate that these new requirements will be burdensome. Upon the adoption of the revised job specifications, local probation departments will need to review local policy and adjust as necessary to reflect such changes. This is a routine business function of local probation departments which will result in only minor administrative costs.

6. Paperwork:

DCJS does not anticipate the need for any new reporting requirements, departments, forms, or other paperwork that would be required of local probation.

7. Duplication:

These amendments do not duplicate any other existing State or Federal requirements.

8. Alternatives:

This proposal takes into account the extensive efforts of the statewide workgroup, DCJS, and probation professional organizations, and reflects input received from probation professionals across the state. The input received from that dissemination and discussion was taken into consider-

ation, and resulted in the incorporation of certain minor changes. The modifications to this rule ensures clarity for probation departments in handling of case records.

9. Federal standards:

None.

10. Compliance schedule:

Through prompt dissemination to staff of the new rule and its summary, local departments should be able to implement these amendments and comply with the provisions as soon as they are adopted.

Regulatory Flexibility Analysis

1. Effect of Rule:

The proposed amendments affect all local probation departments in New York State (NYS) and therefore the 57 counties outside of New York City (NYC) as well as NYC. The proposed amendments do not have any impact on small business.

The Division of Criminal Justice Services (DCJS) does not anticipate that these new requirements will be burdensome upon probation departments as current regulation prescribes requirements for probation case record management.

2. Compliance Requirements:

This rule does not substantially change the methods of case record management, only some of the content as is necessary to conform with "Raise the Age" legislative changes that become effective October 1, 2018. There are no small business compliance requirements imposed by these proposed rule amendments.

3. Professional Services:

No professional services are required for probation departments to comply with the proposed rule changes. There are no professional services required of small business associated with these proposed rule amendments.

4. Compliance Cost:

DCJS does not foresee these reforms leading to any additional costs, and does not anticipate that these new requirements will be burdensome or require additional staffing above and beyond current needs.

Additionally, the Office of Probation and Correctional Alternatives (OPCA) within DCJS provided leadership in the development and deployment of Caseload Explorer case management software, which is streamlining paper requirements by avoiding duplication of effort. Currently, 57 probation departments use this case management software to achieve record-keeping cost efficiencies.

5. Economic and Technological Feasibility:

DCJS has supported the development and deployment of Caseload Explorer case management software for interested probation departments. DCJS does not anticipate any economic problems experienced by probation departments as a result of these rule changes. There are no economic or technological issues faced by small businesses as these proposed rules do not affect them.

6. Minimizing Adverse Impact:

In the preparation and drafting of the proposed amendments, OPCA was diligent in engaging probation professionals from around the state: 1) In September 2017, OPCA commenced the aforementioned RTA Rule Revision workgroup with representatives from across the state representing small, medium, and large jurisdictions including urban and rural jurisdictions; 2) In March 2018, OPCA circulated a refined draft to all probation directors/commissioners; and 3) throughout the Workgroup sessions, a specific committee (known as the Probation Administrators Research Committee, or PARC) of the Council of Probation Administrators (COPA), reviewed the proposed Rule and provided feedback.

7. Small Business and Local Government Participation:

As noted earlier, OPCA previously sought to engage probation departments from across the State on the development of and refinement of the proposed regulatory changes.

Rural Area Flexibility Analysis

1. Types and estimated number of rural areas:

Forty-four local probation departments are located in rural areas and will be affected by the proposed rule amendments.

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

DCJS does not anticipate that the proposed revision will result in any changes to reporting, record keeping and other compliance requirements of rural counties. Probation departments are currently governed by existing rule. DCJS does not believe that these regulatory changes will prove difficult to achieve. There are no additional professional services necessitated in any rural area to comply with this rule. Through prompt dissemination to staff of this new rule and its summary, local probation departments should be able to implement these amendments and comply with the provisions as soon as they are adopted. This rule does not change the monthly workload reporting requirements to our state agency, DCJS.

3. Costs:

DCJS anticipates no additional costs in adhering to these regulatory amendments beyond what is currently required in law and regulation. As part of the State's efforts to streamline recordkeeping, avoid duplication and achieve cost savings, OPCA has supported the deployment of a web-based case management software, known as Caseload Explorer. Currently, 57 of 58 probation departments currently utilize and many rural counties benefit from this software. The one county that does not utilize the Caseload Explorer system will submit reports using its current system. Many rural counties are and will continue to benefit from this deployment.

Any anticipated in-service costs of educating staff, can be readily accomplished through memoranda and supervisory oversight without incurring any direct costs.

4. Minimizing adverse impact:

DCJS foresees that these regulatory amendments will have no adverse impact on rural areas. As noted in more detail below, OPCA collaborated with jurisdictions across the state, including rural areas, and probation professional associations with rural membership in developing the proposed rule and incorporated numerous suggestions to clarify or address issues raised and to reflect good probation practice across the state. To OPCA's knowledge, no adverse impact on rural areas were identified, and DCJS embraced flexibility where it was found to be consistent with good probation practice.

5. Rural area participation:

These revisions were developed by an OPCA working committee comprised of OPCA staff and several local probation departments representing all geographic regions of the state, including rural, and involving all levels of probation staff, including director, deputy director, supervisor, senior probation officer, and probation officer. OPCA circulated drafts to all probation directors/commissioners, the Council of Probation Administrators or COPA (the statewide professional association of probation administrators), which assigned it to a specific committee for review, with rural representation. The proposed regulatory amendments incorporate verbal and written suggestions gathered from probation professionals, including rural entities, across the state to address problems which probation departments have experienced in the area of case record management.

In the preparation and drafting of the proposed amendments, OPCA was diligent in engaging probation professionals from around the state: 1) In September 2017, OPCA commenced the aforementioned RTA Rule Revision workgroup with representatives from across the state representing small, medium, and large jurisdictions including urban and rural jurisdictions; 2) In March 2018, OPCA circulated a refined draft to all probation directors/commissioners; and 3) throughout the Workgroup sessions, a specific committee (known as the Probation Administrators Research Committee, or PARC) of the Council of Probation Administrators (COPA), reviewed the proposed Rule and provided feedback.

Moreover, DCJS did not find significant differences among urban, rural, and suburban jurisdictions as to issues raised or suggestions for change. DCJS is confident that these regulatory changes have the flexibility to accommodate rural jurisdictional needs.

Job Impact Statement

1. Nature of impact:

A job impact statement is not being submitted with these proposed regulations because it will have no adverse effect on private or public jobs or employment opportunities. These regulatory changes insert process points that correspond with "raise the age" legislation requirements, but are not onerous, and can be implemented through correspondence and in-service training of probation staff.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Investigations and Reports

I.D. No. CJS-32-18-00006-P

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

Proposed Action: Amendment of sections 350.3, 350.6, 350.7, 350.8, 350.9 and 350.10 of Title 9 NYCRR.

Statutory authority: Executive Law, section 243(1); Criminal Procedure Law, art. 722; Family Court Act, art. 3

Subject: Investigations and Reports.

Purpose: Update existing rule to reflect services which will be performed by probation departments as a result of Raise the Age Law.

Text of proposed rule: Section 350.3 of Part 350 of 9 NYCRR is amended to read as follows:

Section 350.3 Objective.

The objective of the investigation and report is to provide the court with

relevant and reliable information, in a succinct, analytical presentation for decision-making. Also, to provide dispositional and regulatory agencies that are entitled to access with information for immediate and future decision-making purposes with respect to placement/incarceration, services and program delivery. These dispositional agencies shall include probation, social services, New York State Office of Children and Family Services (OCFS), [Division of Parole (DOP),] Department of *Corrections and Community Supervision* [Correctional Services (DOCS)] (*DOCCS*), and any other public institution or agency.

Subdivision (a) of Section 350.6 of 9 NYCRR is amended to read as follows:

(a) Order for Investigation and Report. The court order for investigation and report shall include, at a minimum, the same information and attachments, as applicable [, and as provided for in form DPCA-2.2 Court Order For Investigation And Report]. The receipt of a court order for an investigation and report shall be entered in either a paper or electronic departmental case record management system which shall include but not be limited to the date received, the name of the person subject to the investigation, the date of birth, the final conviction charge/finding, disposition/sentencing date, and the name of the person assigned to conduct the investigation and prepare the report. In the case of fingerprintable offenses (juvenile and adult), the Criminal Justice Tracking Number (CJTN) and NYSID shall also be recorded to positively identify the subject of the investigation and obtain a complete criminal history.

The introductory paragraph of subdivision (b) of Section 350.6 of 9 NYCRR is amended to read as follows:

(b) Scope of Investigation Process. The investigation process shall consist of the gathering of all information *required for inclusion in the* [provided for in form DPCA-221] pre-dispositional/pre-plea/pre-sentence investigation report [worksheet] and as deemed relevant by the probation department conducting the investigation that may have a bearing upon the recommendation or court disposition/sentencing, as well as any additional information directed by the court.

Subparagraph (vi) of paragraph (3) of subdivision (b) of Section 350.6 of 9 NYCRR is amended to read as follows:

(vi) any reimbursement received or anticipated by the victim(s), whether from the [Crime Victims' Board] *Office of Victims Services*, or the victim(s)' insurance;

Subparagraph (ii) of paragraph (1) of subdivision (c) of Section 350.6 of 9 NYCRR is amended to read as follows:

(ii) Probation and Parole History: relevant legal history information related to prior contact(s) with the courts, probation and parole, detention, pretrial release, and supervision concerning the respondent's/defendant's previous and present compliance with diversion/supervision plans and conditions, *and participation in voluntary assessment and case planning services.*

Paragraph (2) of subdivision (c) of Section 350.6 of 9 NYCRR is amended to read as follows:

(2) Interviews [With] *with* Respondent/Defendant, or Subject(s) of the Court Order for Investigation.

Following the receipt of a court order, an in-person interview shall be held with the respondent/defendant, or subject(s) of the court order for investigation. All in-person interviews shall be directed toward obtaining and clarifying relevant information and making observations of the respondent/defendant's behavior, attitudes and character. During or prior to the in-person interview, probation personnel shall obtain the appropriate consent(s) for release of information and shall gather relevant information identified by and available through such consent for release. In cases where the defendant is in the custody of [NYS DOCS] *DOCCS* and is not accessible for an in-person interview with the probation department, the Institutional Probation Investigation Interview and Protocols executed by the Division of [Probation and Correctional Alternatives] *Criminal Justice Services* and [the Division of Parole] *DOCCS* shall be followed. On a case-by-case basis, where the respondent/defendant resides in a distant jurisdiction and exigent circumstances exist, as determined by the probation director, an interview may be substituted for an in-person interview.

Subdivision (a) of Section 350.7 of 9 NYCRR is amended to read as follows:

(a) Format and Scope of Report. The report shall be typed and all required identifying personal and legal information shall be set forth on the face sheet. For pre-dispositional/pre-plea/pre-sentence reports, the face sheet shall include, at a minimum, information as set forth in [form DPCA-220] *the DCJS probation Pre-dispositional/pre-plea/pre-sentence Investigation Report Face sheet standardized template.* The report may not necessarily include all information obtained through the investigation process as specified in Section 350.6. However, the report shall contain relevant and reliable information that may have a bearing upon the recommendation or court disposition/sentence as well as any information directed by the court.

New subparagraphs (iii)-(v) are added to paragraph (1) of subdivision (b) of Section 350.7 of 9 NYCRR to read as follows:

(iii) Family Court pre-dispositional supervision compliance in present case.

(iv) Criminal court pretrial service(s) compliance in present offense.

(v) Voluntary assessment and case planning services: where a youth has engaged in such services, probation shall provide a summary of these efforts to the court within the pre-sentence investigation, as follows:

- (a) Summary of any assessment findings;
- (b) Referrals and progress with respect to mitigating risk;
- (c) Addressing any identified criminogenic needs; and
- (d) Progress of the youth with respect to achieving case plan goals.

Subparagraphs (vii)-(viii) of paragraph (4) of subdivision (b) of Section 350.7 of 9 NYCRR are renumbered subparagraphs (viii)-(ix), respectively, and a new subparagraph (vii) is added to read as follows:

(vii) analysis of any current or prior participation in services to address criminogenic needs;

The last paragraph of subparagraph (i) of paragraph (5) of subdivision (b) of Section 350.7 of 9 NYCRR is amended to read as follows:

DNA sample collection shall be recommended as a special condition for all designated offenders. Further, DNA sample collection shall be considered for all non-designated offenders, except where the defendant, pursuant to a plea agreement has already signed a waiver authorizing DNA collection, or where youthful offender status is mandatory [or likely to be granted].

Subparagraph (iii) of paragraph (5) of subdivision (b) of Section 350.7 of 9 NYCRR is renumbered subparagraph (iv) and is amended to read as follows:

(iv) Restitution: shall be recommended as part of any disposition/sentence where it is sought, up to maximum amounts permitted by law: for PINS--\$1000; JD--\$1,500; family offense--\$10,000; and in all criminal cases as permitted under Penal Law Section 60.27. At a minimum, monetary conditions for restitution specified shall include the specific amount of restitution sought.

- Community-Based Disposition/Sentence: where a community-based disposition/sentence is recommended, including a split sentence of jail and probation, or will likely be imposed, a special condition shall include the rate of payment and a date prior to expiration of the term of sentence that restitution must be satisfied.

- Jail-Bound Disposition/Sentence: where jail is recommended or will likely be imposed, restitution shall be recommended.

- Prison-Bound Disposition/Sentence: where prison is recommended or will likely be imposed, a rate of payment shall not be specified; the start date for payments shall not be recommended for deferral; and the recommendation to the court shall recognize that [DOCS] DOCCS may collect restitution from income received during the period of incarceration.

New subparagraph (iii) to paragraph (5) of subdivision (b) of Section 350.7 of 9 NYCRR is added to read as follows:

(iii) Flexible term of probation supervision: where a variable term of probation supervision may be ordered, the department may make a recommendation regarding the length of the term of probation supervision.

Paragraph (8) of subdivision (b) of Section 350.7 of 9 NYCRR is amended to read as follows:

(8) HIV-Related Information. Where there is HIV-related information, this must be submitted in accordance with [DPCA's] DCJS AIDS/Confidentiality and Access to HIV-Related Information Rule, specifically Section 367.6.

Subparagraph (i) of paragraph (10) of subdivision (b) of Section 350.7 of 9 NYCRR is amended to read as follows:

(i) Intrastate Transfer: where the respondent/defendant is living in another jurisdiction in New York State at the time of preparation of the report, the probation officer shall secure all required information to complete the transfer packet, pursuant to [DPCA's] DCJS's Interstate and Intrastate Transfer of Probation Supervision For Adults And Juveniles Rule, Part 349, and provide form [DPCA] DCJS OPCA 16 or [DPCA] DCJS OPCA 16A, whichever is applicable, to the court for consideration and signature.

Subdivision (b) of Section 350.8 of 9 NYCRR is amended to read as follows:

(b) Scope of Investigation and Report. The investigation and report shall conform to requirements specified in the court order/request. In the absence of any such specification, the investigation and report shall consist of the gathering of information with respect to the applicant's legal history, the applicant's current social circumstances, including current employment and economic status. It shall also include the nature of the relief requested as it relates to employment, rehabilitation, and public interest/safety. It shall include a recommendation as to the granting of the state of New York certificate of relief from disabilities ([DPCA] DCJS OPCA-53) and the relief to be granted.

Subdivision (a) of Section 350.9 of 9 NYCRR is amended to read as follows:

(a) Order and Authorization to Conduct Investigation. The probation department shall conduct a pre-plea investigation only upon a court order and written authorization by the defendant, defendant's attorney, and the prosecuting attorney. Such written authorization and waiver for Pre-Plea Probation and Investigation and report (such as [DPCA] DCJS OPCA-2.2A) shall include statements that no probation department personnel will be called to testify regarding information acquired by the probation department, that information obtained by the probation department may not be used in a subsequent trial, and that this exemption does not apply to defense or prosecutorial investigation material which may be included in the report.

Paragraph (4) of subdivision (a) of Section 350.10 of 9 NYCRR is amended to read as follows:

(4) Where probation supervision is recommended the probation department may transmit the recommended conditions of probation supervision. [in an order such as form DPCA 10-A order and conditions of adult probation, DPCA 10-C orders and conditions of probation pins/juvenile, and DPCA-IPS order and conditions of ips.]

Subdivisions (b) and (c) of Section 350.10 of 9 NYCRR are amended to read as follows:

(b) Transmittal of Pre-sentence Reports to Professional Licensing Agencies. Probation departments shall accumulate and transmit, at a minimum, once every three months, a copy of all pre-sentence reports prepared in the case of defendants who are known to be licensed pursuant to Title 8 of the Education Law to the State Department of Health if the licensee is a physician, a specialist's assistant, or a physician's assistant, and to the State Education Department with respect to all other such licenses. Such reports may be submitted in hard copy or electronically, and shall contain such other information as required by Criminal Procedure Law 390.50(6).

(c) Confidentiality. Accessibility of probation reports is limited to those authorized by law or court order, and as specified in Part 348, [DPCA] DCJS's Case Record Management Rule.

Text of proposed rule and any required statements and analyses may be obtained from: Natasha M. Harvin-Locklear, Division of Criminal Justice Services, 80 South Swan Street, Albany, NY 12210, (518) 457-8413, email: dcjslegalrulemaking@dcjs.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority:

Executive Law (EL) § 243 establishes that the Division of Criminal Justice Services (DCJS) Office of Probation and Correctional Alternatives (OPCA) shall exercise general supervision over the administration of probation services throughout the state, and further establishes the authority of DCJS to promulgate rules regulating methods and procedures of the administration of probation services. Further, EL§ 257 (6) (b) also recognizes DCJS' statutory rulemaking authority.

2. Legislative objectives:

Statutory law establishes the clear authority of DCJS to establish minimum standards governing probation practice. The proposed amendments to the Investigation and Reports rule will reflect the justice system process points created by or emphasized in "Raise the Age" legislation.

3. Needs and benefits:

Rule amendments are necessary to reflect changes to probation functions which will occurred due to "Raise the Age" legislation, effective October 1, 2018. Since this rule was last amended in 2007, edits are also made to reflect updated sentencing reform and state agency names as appropriate.

The proposed changes are the culmination of the efforts of a statewide Probation RTA Rule revision workgroup comprised of probation professionals from urban, rural, and suburban counties across New York State (NYS) and DCJS staff.

Importantly, workgroup membership included representatives of the New York State Council of Probation Administrators (COPA), and the New York State Probation Officers Association (POA) to ensure input from those organizations. COPA and NYSPOA are professional probation associations. The proposed revisions evolved through a series of workgroup meetings.

Prior drafts of the proposed amendments were shared with all probation directors in March 2018. Responses were received directly from a limited number of probation directors, as well as from COPA. Feedback from these sources resulted in further edits being made. DCJS did make additional minor changes to the most recently circulated draft version of this rule to provide greater clarity and flexibility in language consistent with our agency intent.

4. Costs:

a. It is expected that increased volumes of 16 and 17-year-old JD youth

in the family court process will result in increased staffing needs in each probation jurisdiction so that they may perform this statutorily required function or report writing.

b. DCJS-OPCA will increase juvenile operations staffing levels to provide technical assistance to localities in the implementation of the regulatory changes.

c. DCJS anticipates that the proposed revision of this rule will result in additional costs to probation departments due to the increase in volumes of youth that will be required to have probation reports ordered by family court subsequent to adjudication as a Juvenile Delinquent (JD). Per section 246.4 of the Executive Law, such additional state aid shall be made in an amount necessary to pay one hundred percent other expenditures for evidence-based practices and juvenile risk and evidence-based intervention services provided to youth sixteen years of age or older when such services would not otherwise have been provided absent the provisions of a chapter of the laws of two thousand seventeen that increased the age of juvenile jurisdiction.

5. Local government mandates:

DCJS-OPCA always had agency rules governing Investigations and Reports, and therefore DCJS does not anticipate that these new requirements will be burdensome. Upon the adoption of the revised job specifications, local probation departments will need to review local policy and adjust as necessary to reflect such changes. This is a routine business function of local probation departments which will result in only minor administrative costs.

6. Paperwork:

DCJS does not anticipate the need for any new reporting requirements, departments, forms, or other paperwork that would be required of local probation.

7. Duplication:

These amendments do not duplicate any other existing State or Federal requirements.

8. Alternatives:

This proposal takes into account the extensive efforts of the statewide workgroup, DCJS, and probation professional organizations, and reflects input received from probation professionals across the state. The input received from informal dissemination and discussion was taken into consideration, and resulted in the incorporation of certain minor changes. The modifications to this rule ensures clarity for probation departments in preparation of Investigations and Reports.

9. Federal standards:

None.

10. Compliance schedule:

Through prompt dissemination to staff of the new rule and its summary, local departments should be able to implement these amendments and comply with the provisions as soon as they are adopted.

Regulatory Flexibility Analysis

1. Effect of Rule:

The proposed amendments affect all local probation departments in New York State (NYS) and therefore the 57 counties outside of New York City (NYC) as well as NYC. The proposed amendments do not have any impact on small business.

The Division of Criminal Justice Services (DCJS) does not anticipate that these new requirements will be burdensome upon probation departments as current regulation prescribes requirements for probation case record management.

2. Compliance Requirements:

This rule does not substantially change the content of the Investigations and Reports rule, but amends the material to represent newly defined probation services, as is necessary to conform with "Raise the Age" legislative changes that become effective October 1, 2018. There are no small business compliance requirements imposed by these proposed rule amendments.

3. Professional Services:

There are no professional services required of small business associated with these proposed rule amendments.

4. Compliance Cost:

This regulatory amendment addresses the statutory function of report writing that probation departments are responsible to perform in the juvenile and criminal justice system. Due to the "Raise the Age" (RTA) legislation that becomes effective October 1, 2018, probation departments can expect increased report volumes. RTA legislation shifts court processing of most 16 and 17-year-old youth into the family court jurisdiction as juvenile delinquent (JD) cases where a report from probation is required on each adjudication. The existing criminal court process has a lesser requirement for probation reports. Funding reimbursement for the incremental probation staffing costs associated with Raise the Age is included in the NYS Budget.

5. Economic and Technological Feasibility:

DCJS has supported the development and deployment of Caseload

Explorer case management software for interested probation departments. DCJS does not anticipate any economic challenges will be experienced by probation departments as a result of these rule changes. There are no economic or technological issues faced by small businesses as these proposed rules do not affect them.

6. Minimizing Adverse Impact:

In the preparation and drafting of the proposed amendments, OPCA was diligent in engaging probation professionals from around the state: 1) In September 2017, OPCA commenced the aforementioned RTA Rule Revision workgroup with representatives from across the state representing small, medium, and large jurisdictions including urban and rural jurisdictions; 2) In March 2018, OPCA circulated a refined draft to all probation directors/commissioners; and 3) throughout the Workgroup sessions, a specific committee (known as the Probation Administrators Research Committee, or PARC) of the Council of Probation Administrators (COPA), reviewed the proposed Rule and provided feedback.

7. Small Business and Local Government Participation:

As noted earlier, OPCA previously sought to engage probation departments from across the State on the development of and refinement of the proposed regulatory changes.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

Forty-four local probation departments are located in rural areas and will be affected by the proposed rule amendments.

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

DCJS does not anticipate that the proposed revision will result in any changes to reporting, record keeping and other compliance requirements of rural counties. Probation departments are currently governed by existing rule. DCJS does not believe that these regulatory changes will prove difficult to achieve. Through prompt dissemination to staff of this new rule and its summary, local probation departments should be able to implement these amendments and comply with the provisions as soon as they are adopted. This rule does not change the monthly workload reporting requirements to our state agency, DCJS.

3. Costs:

DCJS anticipates an increased need for probation staffing in most jurisdictions. It is expected that there will be an increase in demand for probation reports ordered from courts due to the "Raise the Age" (RTA) legislation that becomes effective October 1, 2018. Probation departments can expect increased report volumes because RTA legislation shifts court processing of all misdemeanors and many non-violent felonies alleged to have been committed by 16 and 17-year-old youth into the family court jurisdiction as juvenile delinquent (JD) cases, where a report from probation is statutorily required on each adjudication. The existing criminal court process has a lesser requirement for probation reports. Funding reimbursement to support the incremental staffing costs associated with the implementation of Raise the Age is included in the NYS Budget.

As part of the State's efforts to streamline recordkeeping, avoid duplication and achieve cost savings, OPCA has supported the deployment of a web-based case management software, known as Caseload Explorer. Currently, 57 probation departments currently utilize and many rural counties benefit from this software. Many rural counties are and will continue to benefit from this deployment.

Any anticipated in-service costs of educating staff, can be readily accomplished through memoranda and supervisory oversight without incurring any direct costs.

4. Minimizing adverse impact:

DCJS foresees that these regulatory amendments will have no adverse impact on rural areas. As noted in more detail below, OPCA collaborated with jurisdictions across the state, including rural areas, and probation professional associations with rural membership in developing the proposed rule and incorporated numerous suggestions to clarify or address issues raised and to reflect good probation practice across the state. To OPCA's knowledge, no adverse impact on rural areas were identified, and DCJS embraced flexibility where it was found to be consistent with good probation practice.

5. Rural area participation:

These revisions were developed by an OPCA working committee comprised of OPCA staff and several local probation departments representing all geographic regions of the state, including rural, and involving all levels of probation staff, including director, deputy director, supervisor, senior probation officer, and probation officer. OPCA circulated drafts to all probation directors/commissioners, the NYS Council of Probation Administrators or COPA (the statewide professional association of probation administrators), which assigned it to a specific committee for review, with rural representation. The proposed regulatory amendments incorporate verbal and written suggestions gathered from probation professionals, including rural entities, across the state to address problems which probation departments have experienced in the area of case record management.

In the preparation and drafting of the proposed amendments, OPCA was diligent in engaging probation professionals from around the state: 1) In September 2017, OPCA commenced the aforementioned RTA Rule Revision workgroup with representatives from across the state representing small, medium, and large jurisdictions including urban and rural jurisdictions; 2) In March 2018, OPCA circulated a refined draft to all probation directors/commissioners; and 3) throughout the Workgroup sessions, a specific committee (known as the Probation Administrators Research Committee, or PARC) of the Council of Probation Administrators (COPA), reviewed the proposed Rule and provided feedback.

Moreover, DCJS did not find significant differences among urban, rural, and suburban jurisdictions as to issues raised or suggestions for change. DCJS is confident that these regulatory changes have the flexibility to accommodate rural jurisdictional needs.

Job Impact Statement

1. Nature of impact:

This regulatory amendment recognizes and incorporates the critical function of probation services to carry out the intent of a more fair, equitable and safe youth justice system reflected in "Raise the Age" (RTA) legislation, that becomes effective October 1, 2018. It is expected that increased volumes of 16 and 17-year-old juvenile delinquent (JD) youth in the family court process will require a pre-dispositional investigation and report for submission to the Court. Funding reimbursement for localities related to new Raise the Age probation functions is appropriated in the New York State budget to meet the estimated need for increased probation professional staffing.

2. Categories and numbers affected:

The proposed amendments do not adversely affect the more than 2,500 probation professionals currently serving in positions throughout NYS. Most localities will require additional probation staff to perform the report writing functions statutorily required in "Raise the Age" (RTA) legislation, becoming effective October 1, 2018.

3. Regions of adverse impact:

The revised amendments will have no adverse or disproportionate impact on jobs or employment opportunities in any region of NYS.

4. Minimizing adverse impact:

The proposed changes are the culmination of the efforts of a statewide Probation RTA Rule Revision Workgroup comprised of probation professionals from urban, rural, and suburban counties across New York State (NYS) and DCJS staff. Importantly, workgroup membership included representatives of the New York State Council of Probation Administrators (COPA), and the New York State Probation Officers Association (POA) to ensure input from those organizations. COPA and NYSPOA are professional probation associations. The proposed revisions evolved through a series of workgroup meetings.

DCJS does not anticipate that these regulatory amendments will have an adverse impact on existing jobs or employment opportunities, if additional probation positions are funded. DCJS anticipates that the proposed revision of this rule will result in additional costs to probation departments for staffing needs due to the increase in volumes of reports ordered by family court. Funding reimbursement to support the incremental costs for probation staffing associated with the implementation of Raise the Age is included in the NYS Budget.

5. Self-employment opportunities:

Probation professionals are employed by New York's 58 probation departments (57 county-based and NYC), and as such, the proposed amendments do not involve self-employment opportunities.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Probation Supervision

I.D. No. CJS-32-18-00007-P

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

Proposed Action: Amendment of sections 351.6 and 351.7 of Title 9 NYCRR.

Statutory authority: Executive Law, section 243(1); Criminal Procedure Law, art. 722; Family Court Act, art. 3

Subject: Probation Supervision.

Purpose: Update existing rule to reflect services which will be performed by probation departments as a result of Raise the Age Law.

Text of proposed rule: Subdivision (c) of section 351.6 of 9 NYCRR is amended by amending paragraphs 9 and 10 and adding a new paragraph 11 to read as follows:

(9) Residential programming or treatment; [or]

(10) In Immigration and Customs Enforcement (ICE) custody or reported[.]; or

(11) *United States military deployment.*

Section 351.7 of 9 NYCRR is amended by relettering subdivision (a) to subdivision (g).

A new subdivision (a) to section 351.7 of 9 NYCRR is added to read as follows:

(a) *Probationer Engagement*

(1) *Engage the probationer by using motivational interviewing and other evidence-based tools to prompt an understanding for the need to change criminal thinking and behavior; and to lead a law-abiding life.*

(2) *Document in the case file the probationer's progress in changing his/her thinking and behavior.*

(3) *Advocate for the probationer's timely commencement of services and work closely through on-going communication with the service provider(s) and monitor the probationer's motivation, participation, and progress in services that address the criminogenic needs identified in the case plan.*

(4) *Document in the case file the probationer's initiation of services.*

Subdivision (b) of section 351.7 of 9 NYCRR is amended to read as follows:

(b) *Probationer Referrals and services:*

(1) *Advocate for the probationer's timely commencement of services and work closely, through on-going communication, with the service provider(s) to monitor a probationer's participation and progress in completing the services that address the criminogenic needs identified in the case plan.*

(2) *Document in the case file the probationer's participation in services, the nature of their progress, and completion of services.*

(3)[2] Probation officers shall refer probationers and/or their families to services available in the community. Probation officer efforts to engage probationers and to manage service referrals are intended to increase probationer motivation, identify incentives and/or barriers for behavior change, and help the probationer find solutions to reduce resistance to change.

(4)[(3)] Probation officers should be knowledgeable of the services that are available in the jurisdiction and, based on information from the assessment and case plan, shall match the probationer to services that can specifically address the targeted criminogenic needs.

(5)[(4)] Probationers with higher risk and needs shall be referred, if available, to more intensive interventions which target those risk and needs.

(6)[(5)] Probation officers shall provide information to the service provider about the probationer's criminogenic needs so that services may be more targeted to those criminogenic needs.

Paragraphs (2)-(7) of subdivision (d) of section 351.7 of 9 NYCRR are renumbered paragraphs (3)-(8) respectively, and a new paragraph (2) is added to read as follows:

(2) *Reviewing and documenting stages of change, participation in services, and progress in addressing criminogenic needs.*

Text of proposed rule and any required statements and analyses may be obtained from: Natasha M. Harvin-Locklear, Division of Criminal Justice Services, 80 South Swan Street, Albany, NY 12210, (518) 457-8413, email: dcjslegalrulemaking@dcjs.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority:

Executive Law (EL) § 243 establishes that the Division of Criminal Justice Services (DCJS) Office of Probation and Correctional Alternatives (OPCA) shall exercise general supervision over the administration of probation services throughout the state, and further establishes the authority of DCJS to promulgate rules regulating methods and procedures of the administration of probation services. Further, EL§ 257 (6) (b) also recognizes DCJS' statutory rulemaking authority.

2. Legislative objectives:

Statutory law establishes the clear authority of DCJS to establish minimum standards governing probation practice. The proposed amendments to the Graduated Responses rule will reflect certain evidence based practices necessary to implement the "Raise the Age" legislation.

3. Needs and benefits:

Certain rule amendments are necessary to reflect refinements in the practice of probation professionals in the supervision of persons receiving probation services, which will be necessary to implement the "Raise the Age" legislation, effective October 1, 2018. Importantly, the revisions emphasize evidence based practices related to probationer engagement, service referrals, stages of change; as well as victims services.

4. Costs:

Probation Departments will need to prepare updated policies and procedures to reflect these revisions. This task is a routine function of a local Probation Department and may result in minor administrative costs. Costs associated with the larger implementation of Raise the Age are addressed in Subdivision 4 of Section 246 of the Executive Law, and the new Section 54-m of the State Finance Law. Funding reimbursement for incremental staffing costs associated with Raise the Age has been included in the NYS Budget.

5. Local government mandates:

DCJS has always maintained rules governing Probation Supervision, and therefore it is not anticipated that these new requirements will be burdensome. Upon the adoption of the revised regulation, local probation departments will need to review local policy and adjust as necessary to reflect such changes. This is a routine business function of local probation departments which will result in only minor administrative costs.

6. Paperwork:

DCJS does not anticipate the need for any new reporting requirements, departments, forms, or other paperwork that would be required of local probation. Any revisions to data collection will be accomplished on a statewide level through the use of Caseload Explorer and other technologies.

7. Duplication:

These amendments do not duplicate any other existing State or Federal requirements.

8. Alternatives:

This proposal takes into account the extensive efforts of the statewide workgroup, DCJS, and probation professional organizations, and reflects input received from probation professionals across the state. The input received from that dissemination and discussion was taken into consideration, and resulted in the incorporation of certain minor changes. The modifications to this rule ensures clarity for probation departments in promoting positive behavioral changes through effective client engagement and supervision strategies.

9. Federal standards:

None.

10. Compliance schedule:

Through prompt dissemination to staff of the new rule and its summary, local departments should be able to implement these amendments and comply with the provisions as soon as they are adopted.

Regulatory Flexibility Analysis

1. Effect of Rule:

The proposed amendments affect all 57 county probation departments in New York State (NYS), as well as the City of New York. The proposed amendments make certain changes to Title 9 NYCRR Part 351, "Probation Supervision". It updates, clarifies, and strengthens existing regulatory provisions regarding the practice of probation professionals in the supervision of persons receiving probation services, which will be necessary to implement the "Raise the Age" legislation, effective October 1, 2018.

Notably, the revisions emphasize evidence based practices related to probationer engagement, service referrals, and stages of change theory and practice, as well as victims' services. While the regulation specifies minimum requirements, localities maintain certain flexibilities and discretions within those requirements. The proposed amendments do not have any impact on small business.

The Division of Criminal Justice Services (DCJS) does not anticipate that these new requirements will be burdensome upon probation departments as they provide simple revision to current regulation which prescribes requirements in this area. In addition, funding reimbursement to support incremental probation staffing associated with the implementation of Raise the Age is included in the NYS Budget.

2. Compliance Requirements:

This rule makes minimal revision to the existing content as is necessary to conform with "Raise the Age" legislative changes that become effective October 1, 2018. Accordingly, Probation Departments will be required to update their policies and procedures to reflect these changes, which is a routine function of a local Probation Department. There are no small business compliance requirements imposed by these proposed rule amendments.

3. Professional Services:

No professional services are required for probation departments to comply with the proposed rule changes. There are no professional services required of small business associated with these proposed rule amendments.

4. Compliance Cost:

As noted above, Probation Departments will need to prepare updated policies and procedures to reflect these revisions. This task is a routine function of a local Probation Department and may result in minor administrative costs. Costs associated with the larger implementation of Raise the Age are addressed in Subdivision 4 of Section 246 of the Executive Law, and the new Section 54-m of the State Finance Law.

5. Economic and Technological Feasibility:

The proposed amendments consist of an adoption of a revised Part 351, and does not place any new economic or technological requirements on localities. There are no economic or technological issues faced by small businesses as these proposed rules do not affect them.

6. Minimizing Adverse Impact:

In the preparation and drafting of the proposed amendments, OPCA was diligent in engaging probation professionals from around the state: 1) In September 2017, OPCA commenced the aforementioned RTA Rule Revision workgroup with representatives from across the state representing small, medium, and large jurisdictions including urban and rural jurisdictions; 2) In March 2018, OPCA circulated a refined draft to all probation directors/commissioners; and 3) throughout the Workgroup sessions, a specific committee (known as the Probation Administrators Research Committee, or PARC) of the Council of Probation Administrators (COPA), reviewed the proposed Rule and provided feedback.

7. Small Business and Local Government Participation:

As noted earlier, OPCA previously sought to engage probation departments from across the State on the development of and refinement of the proposed regulatory changes.

Rural Area Flexibility Analysis

1. Types and estimated number of rural areas:

Executive Law § 481(7), defines rural areas as "counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, programs and such other entities or resources as are found therein. In counties of two hundred thousand or greater population, 'rural areas' means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein." There are 44 counties in New York State (NYS) that have populations of less than 200,000 people." Accordingly, 44 local probation departments are located in rural areas.

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

DCJS anticipates that the proposed revisions will result in minimal change to reporting, recordkeeping and other compliance requirements of rural counties; 57 of 58 probation departments in the state currently use, or are in the process of implementing the Caseload Explorer (CE) case management system. As such, any revised or new data fields will be coordinated at the state level by DCJS. Additionally, DCJS will be working with the Caseload Explorer System vendor to develop the ability for DCJS to extract required information from the CE installations which are installed and hosted at the local level. For the remaining county, which does not use CE, at most a minimal revision to their local recordkeeping system may be necessary to reflect these changes. Accordingly, DCJS does not believe that these regulatory changes will prove difficult to achieve.

Probation Departments will need to prepare updated policies and procedures which reflect the proposed revisions.

3. Costs:

In general, counties will experience little cost related to these revisions. Costs associated with the larger implementation of Raise the Age are addressed in Subdivision 4 of Section 246 of the Executive Law, and the new Section 54-m of the State Finance Law.

As noted above, Probation Departments will need to prepare updated policies and procedures to reflect these revisions. This task is a routine function of a local Probation Department and may result in minor administrative costs.

4. Minimizing adverse impact:

DCJS foresees that these regulatory amendments will have no adverse impact on rural areas. As noted in more detail below, OPCA collaborated with jurisdictions across the state, including rural areas, and probation professional associations with rural membership in developing the proposed rule and incorporated numerous suggestions to clarify or address issues raised and to reflect good probation practice across the state. To OPCA's knowledge, no adverse impact on rural areas were identified, and DCJS embraced flexibility where it was found to be consistent with good probation practice.

5. Rural area participation:

These revisions were developed by a DCJS working committee comprised of staff from OPCA, OJRP, OLS, and several local probation departments representing all geographic regions of the state, including rural, and involving all levels of probation staff, including director, deputy director, supervisor, senior probation officer, and probation officer. OPCA circulated drafts to all probation directors/commissioners, the New York State Probation Officers Association, the NYS Council of Probation Administrators or COPA (the statewide professional association of probation administrators), which assigned it to a specific committee for review, with rural representation. The proposed regulatory amendments incorporate recommendations gathered from probation professionals, including rural entities, through this process.

In the preparation and drafting of the proposed amendments, OPCA was diligent in engaging probation professionals from around the state: 1) In September 2017, OPCA commenced the aforementioned RTA Rule Revision workgroup with representatives from across the state representing small, medium, and large jurisdictions including urban and rural jurisdictions; 2) In March 2018, OPCA circulated a refined draft to all probation directors/commissioners; and 3) throughout the Workgroup sessions, a specific committee (known as the Probation Administrators Research Committee, or PARC) of the Council of Probation Administrators (COPA), reviewed the proposed Rule and provided feedback.

Moreover, DCJS did not find significant differences among urban, rural, and suburban jurisdictions as to issues raised or suggestions for change. DCJS is confident that these regulatory changes have the flexibility to accommodate rural jurisdictional needs.

Job Impact Statement

1. Nature of impact:

The proposed amendments make certain changes to Title 9 NYCRR Part 351, "Probation Supervision". It updates, clarifies, and strengthens existing regulatory provisions regarding the practice of probation professionals in the supervision of persons receiving probation services, which will be necessary to implement the "Raise the Age" legislation, effective October 1, 2018. Funding reimbursement for localities related to new Raise the Age probation functions is included in the NYS Budget.

Notably, the revisions emphasize evidence based practices related to probationer engagement, service referrals, understanding and utilizing the stages of change, as well as victims' services.

2. Categories and numbers affected:

The proposed amendments will be utilized by the approximately 2,500 probation professionals currently serving across the state, as well as other staff anticipated to be hired as the result of the implementation of the Raise the Age legislation.

3. Regions of adverse impact:

Given the existence of current regulation in this area, no adverse impacts are anticipated. In general, many counties will experience little cost related to these revisions. All Probation Departments will need to prepare updated policies and procedures to reflect these revisions. This task is a routine function of a local Probation Department and may result in minor administrative costs. Costs associated with the larger implementation of Raise the Age are addressed in Subdivision 4 of Section 246 of the Executive Law, and the new Section 54-m of the State Finance Law.

4. Minimizing adverse impact:

In the preparation and drafting of the proposed amendments, OPCA was diligent in engaging probation professionals from around the state: 1) In September 2017, OPCA commenced the aforementioned RTA Rule Revision workgroup with representatives from across the state representing small, medium, and large jurisdictions including urban and rural jurisdictions; 2) In March 2018, OPCA circulated a refined draft to all probation directors/commissioners; and 3) throughout the Workgroup sessions, a specific committee (known as the Probation Administrators Research Committee, or PARC) of the Council of Probation Administrators (COPA), reviewed the proposed Rule and provided feedback.

5. Self-employment opportunities:

Probation professionals are employed by New York's 58 probation departments (57 county-based and NYC), and as such, the proposed amendments do not involve self-employment opportunities.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Graduated Sanctions and Violations of Probation, Retitled To: Graduated Responses

I.D. No. CJS-32-18-00008-P

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

Proposed Action: Amendment of Part 352 of Title 9 NYCRR.

Statutory authority: Executive Law, section 243(1); Criminal Procedure Law, art. 722; Family Court Act, art. 3

Subject: Graduated Sanctions and Violations of Probation, retitled to: Graduated Responses.

Purpose: Update existing rule to reflect services which will be performed by probation departments as a result of Raise the Age Law.

Substance of proposed rule (Full text is posted at the following State website: <http://www.criminaljustice.ny.gov/>): The title of Part 352 of Title 9 NYCRR is changed from Graduated Sanctions and Violations of Probation to Graduated Responses. This rule amendment begins with retitling to better represent the role of Probation in responding to Probationer non-compliance through a variety of measures.

In Section 352.1 the term "Graduated Responses" is redefined. In Section 352.2 the rule Objective is expanded to better represent the role probation plays in affecting behavior change in probationers. This includes adding incentives to the conventional methods of sanctioning to achieve behavioral change. In Section 352.3 the rules applicability is clarified to include addressing behaviors in addition to and other than violations of probation. In Section 352.4 Graduated Responses, local policy and procedures will be expanded to include the uniform use of incentives to reinforce pro-social behavior and interventions, as well as services to address non-compliance. This includes early advisement to probationers of the departments application of incentives, interventions and sanctions to encourage pro-social behavior, as well as consideration as to which are most suitable for behavioral change, support probationer accountability and may also reduce the need for formal court intervention. Additional consideration of the probationer's history of non-compliance, gravity of the non-compliant behaviors, dangerousness to self and/or others, and other case specific circumstances will be considered in decision making.

Section 352.5 describes procedures for the use of incentives and rewards in criminal and family court cases. These will be implemented in such a way to support positive behavioral change and be swift, certain, fair, and tailored to the individual. Procedures incentivize pro-social behavior and successful completion of case plan goals, referrals to service providers and responsiveness principles. Section 352.6 outlines procedures for non-compliant behavioral response including Supervisor notification and consultation, and required action. Where the probationer is a 16 or 17-year-old, the Probation Officer should include the parent or other person(s) legally responsible for his/her care, where feasible.

Section 352.7 addresses procedures for new offense violations for criminal supervision cases. This retains procedures to be taken upon a probationer's arrest for a new offense and conviction of a new crime. Section 352.8 updates agency name from the Division of Probation and Correctional Alternatives to NYS DCJS.

Text of proposed rule and any required statements and analyses may be obtained from: Natasha M. Harvin-Locklear, Division of Criminal Justice Services, 80 South Swan Street, Albany, NY 12210, (518) 457-8413, email: dcjslegalrulemaking@dcjs.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority:

Executive Law (EL) § 243 establishes that the Division of Criminal Justice Services' (DCJS) Office of Probation and Correctional Alternatives (OPCA) shall exercise general supervision over the administration of probation services throughout the state, and further establishes the authority of DCJS to promulgate rules regulating methods and procedures of the administration of probation services. Further, EL§ 257 (6) (b) also recognizes DCJS' statutory rulemaking authority.

2. Legislative objectives:

Statutory law establishes the clear authority of DCJS to establish minimum standards governing probation practice. The proposed amendments to the Graduated Responses rule will reflect certain evidence based practices necessary to implement the "Raise the Age" legislation.

3. Needs and benefits:

Rule amendments are necessary to reflect refinements in the practice of probation professionals to reduce reliance on detention and promote positive changes in persons receiving probation services, which will be necessary to implement the "Raise the Age" legislation, effective October 1, 2018.

Importantly, the revisions emphasize encouragement and incentivization of positive behavior, while also ensuring appropriate response to negative behavior. The revisions promote the development of standardized Graduated Response protocols by localities, which will provide that jurisdiction an objective basis for the use of incentives and sanctions. Such protocols will promote behavioral change in an evidence based manner, while limiting the possibility of any racial or ethnic disparities in the application of incentives and sanctions.

The revision empowers probation departments to address behaviors where possible without having to unnecessarily involve the courts.

4. Costs:

In general, counties will experience little cost related to these revisions. Probation Departments will need to prepare updated policies and procedures to reflect these revisions. This task is a routine function of a local Probation Department and may result in minor administrative costs. Costs associated with the larger implementation of Raise the Age are addressed in Subdivision 4 of Section 246 of the Executive Law, and the new Section 54-m of the State Finance Law.

5. Local government mandates:

DCJS maintained rules for probation departments governing Graduated

Sanctions and Violations of Probation (now Graduated Responses), and therefore it is not anticipated that these new requirements will be burdensome. Upon the adoption of the revised regulation, local probation departments will need to review local policy and adjust as necessary to reflect such changes. This is a routine business function of local probation departments which will result in only minor administrative costs.

6. Paperwork:

DCJS does not anticipate the need for any new reporting requirements, departments, forms, or other paperwork that would be required of local probation. Any revisions to data collection will be accomplished on a statewide level through the use of Caseload Explorer and other technologies.

7. Duplication:

These amendments do not duplicate any other existing State or Federal requirements.

8. Alternatives:

This proposal takes into account the extensive efforts of the statewide workgroup, DCJS, and probation professional organizations, and reflects input received from probation professionals across the state. The input received from that dissemination and discussion was taken into consideration, and resulted in the incorporation of certain minor changes. The modifications to this rule ensures clarity for probation departments in promoting positive behavioral changes through Graduated Responses.

9. Federal standards:

None.

10. Compliance schedule:

Through prompt dissemination to staff of the new rule and its summary, local departments should be able to implement these amendments and comply with the provisions as soon as they are adopted.

Regulatory Flexibility Analysis

1. Effect of Rule:

The proposed amendments affect all local county probation departments in NYS as well as the City of New York. While the regulation specifies minimum requirements, it provides localities with flexibility as to how Graduated Responses are utilized within a given jurisdiction. The proposed amendments do not have any impact on small business.

The Division of Criminal Justice Services (DCJS) does not anticipate that these new requirements will be burdensome to probation departments as they provide simple revision to current regulation which prescribes requirements in this area.

2. Compliance Requirements:

This rule makes minimal revision to the existing content as is necessary to conform with "Raise the Age" legislative changes that become effective October 1, 2018. Accordingly, Probation Departments will be required to update their policies and procedures to reflect these changes, which is a routine function of a local Probation Department. There are no small business compliance requirements imposed by these proposed rule amendments.

3. Professional Services:

No professional services are required for probation departments to comply with the proposed rule changes. There are no professional services required of small business associated with these proposed rule amendments.

4. Compliance Cost:

In general, counties will experience little cost related to these revisions. As noted above, Probation Departments will need to prepare updated policies and procedures to reflect these revisions. This task is a routine function of a local Probation Department and may result in minor administrative costs. Costs associated with the larger implementation of Raise the Age are addressed in Subdivision 4 of Section 246 of the Executive Law, and the new Section 54-m of the State Finance Law.

5. Economic and Technological Feasibility:

The proposed amendments consist of an adoption of a revised Part 352, and does not place any new economic or technological requirements on localities. There are no economic or technological issues faced by small businesses as these proposed rules do not affect them.

6. Minimizing Adverse Impact:

In the preparation and drafting of the proposed amendments, OPCA was diligent in engaging probation professionals from around the state: 1) In September 2017, OPCA commenced the aforementioned RTA Rule Revision workgroup with representatives from across the state representing small, medium, and large jurisdictions including urban and rural jurisdictions; 2) In March 2018, OPCA circulated a refined draft to all probation directors/commissioners; and 3) throughout the Workgroup sessions, a specific committee (known as the Probation Administrators Research Committee, or PARC) of the Council of Probation Administrators (COPA), reviewed the proposed Rule and provided feedback.

7. Small Business and Local Government Participation:

As noted earlier, OPCA previously sought to engage probation departments from across the State on the development of and refinement of the proposed regulatory changes.

Rural Area Flexibility Analysis

1. Types and estimated number of rural areas:

Executive Law § 481(7), defines rural areas as "counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, programs and such other entities or resources as are found therein. In counties of two hundred thousand or greater population, 'rural areas' means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein." There are 44 counties in New York State (NYS) that have populations of less than 200,000 people." Accordingly, 44 local probation departments are located in rural areas.

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

DCJS anticipates that the proposed revisions will result in minimal change to reporting, recordkeeping and other compliance requirements of rural counties.

57 of 58 probation departments in the state currently use, or are in the process of implementing the Caseload Explorer (CE) case management system. As such, any revised or new data fields will be coordinated at the state level by DCJS. Additionally, DCJS will be working with the Caseload Explorer System vendor, to develop the ability for DCJS to extract required information from the CE installations which are installed and hosted at the local level. For the remaining county, which does not use CE, at most a minimal revision to their local recordkeeping system may be necessary to reflect these changes. Accordingly, DCJS does not believe that these regulatory changes will prove difficult to achieve.

Probation Departments will need to prepare updated policies and procedures which reflect the proposed revisions.

3. Costs:

In general, counties will experience little cost related to these revisions. Costs associated with the larger implementation of Raise the Age are addressed in Subdivision 4 of Section 246 of the Executive Law, and the new Section 54-m of the State Finance Law.

As noted above, Probation Departments will need to prepare updated policies and procedures to reflect these revisions. This task is a routine function of a local Probation Department and may result in minor administrative costs.

4. Minimizing adverse impact:

DCJS foresees that these regulatory amendments will have no adverse impact on rural areas. As noted in more detail below, DCJS OPCA collaborated with jurisdictions across the state, including rural areas, and probation professional associations with rural membership in developing the proposed rule and incorporated numerous suggestions to clarify or address issues raised and to reflect good probation practice across the state. To DCJS' knowledge, no adverse impacts on rural areas were identified, and DCJS embraced flexibility where it was found to be consistent with good probation practice.

5. Rural area participation:

These revisions were developed by a DCJS working committee comprised of staff from OPCA, OJRP, OLS, and several local probation departments representing all geographic regions of the state, including rural, and involving all levels of probation staff, including director, deputy director, supervisor, senior probation officer, and probation officer. OPCA circulated drafts to all probation directors/commissioners, the New York State Probation Officers Association, the NYS Council of Probation Administrators or COPA (the statewide professional association of probation administrators), which assigned it to a specific committee for review, with rural representation. The proposed regulatory amendments incorporate recommendations gathered from probation professionals, including rural entities, through this process.

In the preparation and drafting of the proposed amendments, OPCA was diligent in engaging probation professionals from around the state: 1) In September 2017, OPCA commenced the aforementioned RTA Rule Revision workgroup with representatives from across the state representing small, medium, and large jurisdictions including urban and rural jurisdictions; 2) In March 2018, OPCA circulated a refined draft to all probation directors/commissioners; and 3) throughout the Workgroup sessions, a specific committee (known as the Probation Administrators Research Committee, or PARC) of the Council of Probation Administrators (COPA), reviewed the proposed Rule and provided feedback.

Moreover, DCJS did not find significant differences among urban, rural, and suburban jurisdictions as to issues raised or suggestions for change. DCJS is confident that these regulatory changes have the flexibility to accommodate rural jurisdictional needs.

Job Impact Statement

1. Nature of impact:

The proposed amendments make certain changes to Title 9 NYCRR Part 352, "Graduated Responses". Overall, it updates, clarifies, and strengthens regulatory provisions regarding the practice of probation

professionals to promote positive changes in persons receiving probation services, which will be necessary to implement the "Raise the Age" legislation, effective October 1, 2018.

Importantly, the revisions emphasize encouragement and incentivization of positive behavior, while also ensuring appropriate response to negative behavior. The revisions promote the development of standardized Graduated Response protocols by localities, which will provide that jurisdiction an objective basis for the use of incentives and sanctions. Such protocols will promote behavioral change in an evidence based manner, while limiting the possibility of any racial or ethnic disparities in the application of incentives and sanctions.

The revision empowers probation departments to encourage and support pro-social behaviors and address non-compliant behaviors, where possible, without having to unnecessarily involve the courts.

2. Categories and numbers affected:

The proposed amendments will be utilized by the approximately 2,500 probation professionals currently serving across the state, as well as other staff anticipated to be hired as the result of the implementation of the Raise the Age legislation.

3. Regions of adverse impact:

Given the existence of current regulation in this area, no adverse impacts are anticipated. In general, counties will experience little cost related to these revisions. All Probation Departments will need to prepare updated policies and procedures to reflect these revisions. This task is a routine function of a local Probation Department and may result in minor administrative costs. Costs associated with the larger implementation of Raise the Age are addressed in Subdivision 4 of Section 246 of the Executive Law, and the new Section 54-m of the State Finance Law.

4. Minimizing adverse impact:

In the preparation and drafting of the proposed amendments, OPCA was diligent in engaging probation professionals from around the state: 1) In September 2017, OPCA commenced the aforementioned RTA Rule Revision workgroup with representatives from across the state representing small, medium, and large jurisdictions including urban and rural jurisdictions; 2) In March 2018, OPCA circulated a refined draft to all probation directors/commissioners; and 3) throughout the Workgroup sessions, a specific committee (known as the Probation Administrators Research Committee, or PARC) of the Council of Probation Administrators (COPA), reviewed the proposed Rule and provided feedback.

5. Self-employment opportunities:

Probation professionals are employed by New York's 58 probation departments (57 county-based and NYC), and as such, the proposed amendments do not involve self-employment opportunities.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Preliminary Procedure for Article 3 JD Intake, Retitled To: Probation Services for Article 3 Juvenile Delinquency (JD)

I.D. No. CJS-32-18-00009-P

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

Proposed Action: Amendment of Part 356 of Title 9 NYCRR.

Statutory authority: Executive Law, section 243(1); Criminal Procedure Law, art. 722; Family Court Act, art. 3

Subject: Preliminary Procedure for art. 3 JD Intake, retitled to: Probation Services for art. 3 Juvenile Delinquency (JD).

Purpose: Update existing rule to reflect services which will be performed by probation departments as a result of Raise the Age Law.

Substance of proposed rule (Full text is posted at the following State website: <http://www.criminaljustice.ny.gov/>): The title of Part 356 of Title 9 NYCRR is changed from "Preliminary Procedure for Article 3 Juvenile Delinquency (JD) Intake" to "Probation Services for Article 3 Juvenile Delinquency (JD)". This rule retitling reflects the role Probation may serve in addressing JD matters from Intake and Adjustment through Pre-Dispositional Supervision in the Family Court.

Section 356.1 revises and adds several key definitions applicable to this rule. Section 356.2 expands and clarifies the objective of this rule to provide screening, assessment, engagement and evidence-based services to youth, for the non-judicial resolution of JD complaints. Section 356.3 expands the applicability of this rule for JD cases to also include when probation department perform pre-dispositional supervision of a youth alleged to be a juvenile delinquent with a case pending in Family Court. Section 356.4 on jurisdiction of this rule clarifies the handling of pre-dispositional supervision of youth by probation departments.

Section 356.5 expands the General Requirements for Juvenile Delin-

quency Preliminary Procedure including the role of the probation officer in engaging youth and effecting behavioral change and the use of graduated responses consistent with Part 352 titled Graduated Responses.

Section 356.5 expands to include probation conveying the benefits of the youth engaging in and successfully completing adjustment services where the youth is eligible and suitable. For youth removed from the Youth Part to Family Court for intake/adjustment services under Article 3 of the Family Court Act, the probation department will conduct the initial conference within eight (8) business days of notification/receipt of the complaint.

Section 356.6 expands the role of probation in screening youth for release from detention if eligible and suitable for Probation Intake and Adjustment services, as well as the appropriateness of the use of alternatives to detention. Consistent with law, edits in this rule propose changing the use of "parent/guardian" to be "parent or other person legally responsible for his/her care" throughout the rule.

Section 356.7 provides procedure for an Initial Conference that may be conducted in two parts with an Initial Intake Conference by a probation assistant as a pre-screening meeting. This rule also proposes probation conduct a mental health screen at the initial conference, for youth cases opened for adjustment services. For youth removed from the Youth Part of Superior Court to the Family Court to receive intake and adjustment services under Article 3, the probation department may consider and credit the youth's participation in Voluntary Assessment and Case Planning services while in the Youth Part, which may reduce the time needed for adjustment services, depending upon the progress made by the youth.

Section 356.8 addresses the process for assessment, case planning, and client engagement. This includes expediting the development of an initial case plan within 10 business days of the initial conference, instead of the previously required 30 calendar days. This change supports the prompt engagement of youth in needed services given the limited 2- 4 month adjustment period. This language also encourages Probation advocate for timely commencement of targeted services, engage youth in cognitive-behavioral programming, plan for the appropriate dosage of interventions based upon the youth's risk and needs, and consider issues of responsivity. This rule structures probation contact frequency and types according to assessed risk level of the youth. Section 356.9 addresses where probation refers a complaint to the presentment agency when a victim may insist that the matter be sent to petition for the purpose of obtaining an Order of Protection. New section 356.11 outlines procedures for when a case is Removed from Youth Part of the Superior Court to Family Court for Probation Intake. A new section 356.14 is added to outline procedures for when Probation may provide Pre-Dispositional Supervision in Family Court.

Text of proposed rule and any required statements and analyses may be obtained from: Natasha M. Harvin-Locklear, Division of Criminal Justice Services, 80 South Swan Street, Albany, NY 12210, (518) 457-8413, email: dcjslegalrulemaking@dcjs.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority:

Executive Law (EL) § 243 establishes that the Division of Criminal Justice Services (DCJS) Office of Probation and Correctional Alternatives (OPCA) shall exercise general supervision over the administration of probation services throughout the state, and further establishes the authority of DCJS to promulgate rules regulating methods and procedures of the administration of probation services. Further, EL§ 257 (6) (b) also recognizes DCJS' statutory rulemaking authority.

2. Legislative objectives:

Statutory law establishes the clear authority of DCJS to establish minimum standards governing probation practice. These regulatory amendments are consistent with legislative intent regarding critical probation functions and the promotion of professional standards which govern administration and delivery of probation services in probation intake (preliminary procedure) for family court involving any alleged Juvenile Delinquent (JD) matter. These regulatory amendments also recognize and incorporate the critical function of probation services to carry out the intent of a more fair, equitable and safe youth justice system reflected in "Raise the Age" (RTA) legislation, that becomes effective October 1, 2018. The overarching goal of these amendments is to reduce unnecessary and costly reliance on detention and residential placement with local commissioners of departments of social services or the Office of Children and Family Services (OCFS). To better represent the scope of these essential functions by probation departments, the edited rule title is proposed to be "Probation Services for Article 3 Juvenile Delinquency". By vesting the Commissioner of DCJS with rule-making authority, the Legislature authorized DCJS to set minimum standards in this area.

These amendments are necessary to: 1) incorporate legislative process changes that become effective October 1, 2018 due to RTA legislation; 2)

incorporate contemporary evidence-based (research-supported) practice principles for effective interventions; 3) recognize best probation practice in the area of preliminary probation procedures involving youth; and 4) ensure consistent statewide application of key intervention strategies to youth receiving JD intake services.

3. Needs and benefits:

In accordance with Family Court Act (FCA) article 3, probation is responsible for conducting JD preliminary procedure. Rule amendments are necessary at this time not only to reflect changes to probation services which will occur in October, 2018 with RTA legislation, but also as is consistent with national practice that continues to evolve in this area emphasizing evidence-based principles. These amendments promote consistent application of statutory requirements through statewide standardization of terms by updating terminology, and updating definitions.

Consistent with good practice and/or certain legal provisions, these amendments affirm effective probation practices. Achieving effective probation practice includes: 1) an enhanced engagement process; 2) a standardized protocol for the structure of contact with youth and their families based on assessed risk levels; 3) expedited case planning and referral to targeted interventions; 4) application of graduated responses including incentives, interventions, and responses to behavior; 5) improved recognition of the behavioral health needs of justice-involved youth with evidence-based screening; and 6) codifying existing practice for probation's role in detention screening for release to probation intake, and pre-dispositional supervision.

While some changes are prescriptive, there is flexibility for jurisdictions to develop policies and procedures that meet local needs and resources. These amendments incorporate nationally recognized evidence-based practice principles demonstrated in research to reduce risk of recidivism (continuing in a JD pattern of behavior), by addressing needs underlying the JD behaviors. These principles include actuarial risk and needs screening and assessment; prompt termination of adjustment efforts with minimal intervention services where youth present as low risk for continuing in JD behaviors; and full assessments for all JD youth at moderate or high risk for continued JD behavior. These changes build upon existing statute to prescribe the prompt probation screening to determine eligibility and suitability for probation intake of those youths for whom detention is imminent (or are already detained) by facilitating safe release through alternatives to detention and away from costly detention, as appropriate, and expedited probation conferencing at intake.

Adjustment services are to be prioritized for moderate and high risk youth, with a focus on addressing youth criminogenic needs in the community to reduce costly detention and placement outside the home and improve long term outcomes for youth and their families.

It is estimated that due to RTA legislation more than 14,000 youth charged with misdemeanor offenses, and another 4,500-youth charged with felony offenses will be shifted into the probation JD intake process annually, by full implementation of RTA.

The proposed changes are the culmination of the efforts of a statewide Probation RTA Rule Revision Workgroup comprised of probation professionals from urban, rural, and suburban counties across New York State (NYS) and DCJS staff. Importantly, workgroup membership included representatives of the New York State Council of Probation Administrators (COPA), and the New York State Probation Officers Association (POA) to ensure input from those organizations. COPA and NYSPOA are professional probation associations. The proposed revisions evolved through a series of workgroup meetings.

Prior drafts of the proposed amendments were shared with all probation directors in February and April 2018. Responses were received directly from probation directors, as well as from COPA. Feedback from these sources resulted in edits being made. DCJS, however, did make additional minor changes to the most recently circulated draft version of this rule to provide greater clarity and flexibility in language consistent with our agency intent.

4. Costs:

a. While some changes are prescriptive, there is flexibility for jurisdictions to develop policies and procedures that meet local needs and resources. It is expected that increased volumes of 16 and 17-year-old JD youth in the probation intake process will result in increased staffing needs in each probation jurisdiction so that they may perform this statutorily required function.

b. DCJS-OPCA will increase juvenile operations staffing levels to provide technical assistance to localities in the implementation of the regulatory changes. As part of the State's efforts to support uniformity, implementation of evidence-based tools, and cost efficiencies, OPCA intends to support the state-wide cost to obtain licensing for use and deployment of a selected evidence-based mental health screening tool.

c. DCJS anticipates that the proposed revision of this rule will result in additional costs to probation departments due to the increase in volumes of youth that will enter the JD intake and adjustment process (JD prelimi-

nary procedure). Per section 246.4 of the Executive Law, such additional state aid shall be made in an amount necessary to pay one hundred percent other expenditures for evidence-based practices and juvenile risk and evidence-based intervention services provided to youth sixteen years of age or older when such services would not otherwise have been provided absent the provisions of a chapter of the laws of two thousand seventeen that increased the age of juvenile jurisdiction. Increased JD youth volumes will require additional probation staff. Increased JD youth volumes will also draw from local interventions and services designed to reduce risk of recidivism, resulting in a need for probation departments to expand the availability of expected service needs.

5. Local government mandates:

DCJS-OPCA rules govern the probation delivery of JD intake and adjustment services (JD preliminary procedure). Local probation departments are required to provide JD intake and adjustment services to all JD youth, including the additional 16 and 17-year-old youth shifting into the juvenile justice system due to RTA legislation. DCJS believes more effective JD adjustment services can reduce long-term state and local governmental costs for youth at risk of continued involvement with the juvenile justice or criminal justice system. By strategically focusing targeted interventions based on the criminogenic needs of justice-involved youth, localities will realize cost savings in the long-term by increasing youth capacity to lead productive, law-abiding lives.

DCJS has made available, at no cost to jurisdictions, the Youth Assessment and Screening Instrument (YASI) tools and software for youth intake, investigation and supervision services. Fifty-seven counties currently use YASI. Consistent application and sharing of screening, assessment, and case planning protocols and results will further add savings by avoiding duplication of efforts within and across probation departments. Assessment has been a routine business function of local probation departments.

6. Paperwork:

Probation departments would be expected to report outcomes data for youth who are engage in the juvenile justice system as well as interventions or services program outcomes for these youth. This process is expected to be automated through the Caseload Explorer case management system and changes to this system are expected to be funded by New York State.

7. Duplication:

These amendments do not duplicate any other existing State or Federal requirements.

8. Alternatives:

This proposal takes into account the extensive efforts of the statewide workgroup, DCJS, and probation professional organizations, and reflects input received from probation professionals across the state. The input received from that dissemination and discussion was taken into consideration, and resulted in the incorporation of certain modifications.

9. Federal standards:

None.

10. Compliance schedule:

Probation departments in many jurisdictions will need to hire additional probation officers and staff to build capacity to manage increased caseload sizes due to the influx of 16-year-old youth in 2018, and 17-year-old youth in 2019. Thereafter, through prompt dissemination to staff of the new rule and its summary, local departments should be able to implement these amendments and comply with the provisions as soon as they are adopted.

Regulatory Flexibility Analysis

1. Effect of Rule:

The proposed amendments affect all local probation departments in New York State (NYS) and therefore the 57 counties outside of New York City (NYC) as well as NYC. The proposed amendments do not have any impact on small business.

2. Compliance Requirements:

This rule does not substantially change the methods of service delivery provided by probation departments to youth alleged to be juvenile delinquent (JD). Rule content has been modified as is necessary to conform with "Raise the Age" legislative changes that become effective October 1, 2018. Those departments that are not currently performing mental health screening will add such service to the JD adjustment process. These regulations codify current probation practice in providing pre-dispositional supervision services, and promote screening of youth in order to lessen the dependence and use of detention services. There are no small business compliance requirements imposed by these proposed rule amendments.

3. Professional Services:

No professional services are required beyond statutorily defined probation functions, to comply with the proposed rule changes. There are no professional services required of small business associated with these proposed rule amendments.

4. Compliance Cost:

It is estimated that due to RTA legislation more than 14,000 youth charged with misdemeanor offenses, and another 4,500-youth charged

with felony offenses will be shifted into the probation JD intake process annually, by full implementation of RTA. It is expected that increased volumes of 16 and 17-year-old JD youth in the probation intake process will result in increased staffing needs so that probation departments can perform this statutorily required function to the standard of this rule.

Per section 246.4 of the Executive Law, such additional state aid shall be made in an amount necessary to pay one hundred percent other expenditures for evidence-based practices and juvenile risk and evidence-based intervention services provided to youth sixteen years of age or older when such services would not otherwise have been provided absent the provisions of a chapter of the laws of two thousand seventeen that increased the age of juvenile jurisdiction.

5. Economic and Technological Feasibility:

DCJS has supported the development and deployment of Caseload Explorer case management software for interested probation departments. DCJS does not anticipate any economic or technological problems will be experienced by probation departments as a result of these rule changes. There are no economic or technological issues faced by small businesses as these proposed rules do not affect them.

6. Minimizing Adverse Impact:

In the preparation and drafting of the proposed amendments, OPCA was diligent in engaging probation professionals from around the state: 1) In September 2017, OPCA commenced the aforementioned RTA Rule Revision workgroup with representatives from across the state representing small, medium, and large jurisdictions including urban and rural jurisdictions; 2) In February and April 2018, OPCA circulated a refined draft to all probation directors/commissioners; and 3) throughout the Workgroup sessions, a specific committee (known as the Probation Administrators Research Committee, or PARC) of the Council of Probation Administrators (COPA), reviewed the proposed Rule and provided feedback.

7. Small Business and Local Government Participation:

As noted earlier, OPCA previously sought to engage probation departments from across the State on the development and refinement of the proposed regulatory changes.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

Forty-four local probation departments are located in rural areas and will be affected by the proposed rule amendments.

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

DCJS does not anticipate that the proposed revision will result in any changes to reporting, or recordkeeping requirements by rural counties. This rule does not change the monthly workload reporting requirements to our state agency, DCJS. There are no professional services required of small business associated with these proposed rule amendments.

This amendment will impact compliance requirements for probation departments as they will need staffing resources to manage increased intake and adjustment caseload sizes due to the influx of 16-year-old youth in 2018, and 17-year-old youth in 2019.

3. Costs:

DCJS believes that while some changes are prescriptive, there is flexibility for jurisdictions to develop policies and procedures that meet local needs and resources. It is expected that increased volumes of 16 and 17-year-old JD youth in the probation intake process will result in incremental staffing to perform this statutorily required function. Per section 246.4 of the Executive Law, such additional state aid shall be made in an amount necessary to pay one hundred percent other expenditures for evidence-based practices and juvenile risk and evidence-based intervention services provided to youth sixteen years of age or older when such services would not otherwise have been provided absent the provisions of a chapter of the laws of two thousand seventeen that increased the age of juvenile jurisdiction.

Increased JD youth volumes will also draw from local interventions and services designed to reduce risk of recidivism. It is expected that this will result in a need for probation departments to expand the availability of targeted interventions. OPCA has continued to encourage smaller, rural localities to pursue regional service delivery designs for specialized youth interventions so that they may be available and sustainable to rural JD youth.

As part of the State's efforts to streamline recordkeeping, avoid duplication and achieve cost savings, OPCA has supported the deployment of a web-based case management software, known as Caseload Explorer. Currently, 57 probation departments currently utilize and many rural counties benefit from this software. Many rural counties are and will continue to benefit from this deployment.

Any anticipated in-service costs of educating staff, can be readily accomplished through webinars, memoranda and supervisory oversight without incurring any direct costs.

4. Minimizing adverse impact:

DCJS foresees that these regulatory amendments will have minimal adverse impact on rural areas. As noted in more detail below, OPCA collaborated with jurisdictions across the state, including rural areas, and probation professional associations with rural membership in developing the proposed rule and incorporated numerous suggestions to clarify or address issues raised and to reflect good probation practice across the state. To OPCA's knowledge, no adverse impact on rural areas were identified, and DCJS embraced flexibility where it was found to be consistent with good probation practice.

5. Rural area participation:

These revisions were developed by an OPCA working committee comprised of OPCA staff and several local probation departments representing all geographic regions of the state, including rural, and involving all levels of probation staff, including director, deputy director, supervisor, senior probation officer, and probation officer. OPCA circulated drafts to all probation directors/commissioners, the Council of Probation Administrators or COPA (the statewide professional association of probation administrators), which assigned it to a specific committee for review, with rural representation. The proposed regulatory amendments incorporate verbal and written suggestions gathered from probation professionals, including rural entities, across the state.

In the preparation and drafting of the proposed amendments, OPCA was diligent in engaging probation professionals from around the state: 1) In September 2017, OPCA commenced the aforementioned RTA Rule Revision workgroup with representatives from across the state representing small, medium, and large jurisdictions including urban and rural jurisdictions; 2) In February and April 2018, OPCA circulated a refined draft to all probation directors/commissioners; and 3) throughout the Workgroup sessions, a specific committee (known as the Probation Administrators Research Committee, or PARC) of the Council of Probation Administrators (COPA), reviewed the proposed Rule and provided feedback.

Moreover, aside from probation officer staffing needs, DCJS did not find significant differences among urban, rural, and suburban jurisdictions as to issues raised or suggestions for change in content in this amendment. DCJS is confident that these regulatory changes have the flexibility to accommodate rural jurisdictional needs.

Job Impact Statement

1. Nature of impact:

This regulatory amendment recognizes and incorporates the critical function of probation services to carry out the intent of a more fair, equitable and safe youth justice system reflected in "Raise the Age" (RTA) legislation, that becomes effective October 1, 2018. It is expected that increased volumes of 16 and 17-year-old juvenile delinquent (JD) youth in the probation intake process will result in increased staffing needs to perform this statutorily required function. Funding reimbursement for localities related to new Raise the Age probation functions is appropriated in the New York State budget to meet the estimated need for the incremental probation professional staffing.

2. Categories and numbers affected:

The proposed amendments do not adversely affect the more than 2,500 probation professionals currently serving in positions throughout NYS. Most localities will require additional probation staff to perform the functions statutorily required in "Raise the Age" (RTA) legislation, becoming effective October 1, 2018. Local civil service agencies are responsible to offer examinations for positions in each county/NYC.

3. Regions of adverse impact:

The revised amendments will have no adverse or disproportionate impact on jobs or employment opportunities in any region of NYS. In addition to filling the positions via open competitive or promotional examination, NYS Civil Service is available to offer guidance to localities regarding the opportunity to fill these positions through transfer, and other means as authorized in Civil Service Law such as non-competitive examination, thereby minimizing any adverse impact which may occur.

4. Minimizing adverse impact:

The proposed changes are the culmination of the efforts of a statewide Probation RTA Rule Revision Workgroup comprised of probation professionals from urban, rural, and suburban counties across New York State (NYS) and DCJS staff. Importantly, workgroup membership included representatives of the New York State Council of Probation Administrators (COPA), and the New York State Probation Officers Association (POA) to ensure input from those organizations. COPA and NYSPOA are professional probation associations. The proposed revisions evolved through a series of workgroup meetings.

DCJS does not anticipate that these regulatory amendments will have an adverse impact on existing jobs or employment opportunities, if additional probation positions are funded. DCJS anticipates that the proposed revision of this rule will result in additional costs to probation departments for staffing needs due to the increase in volumes of youth that will enter the JD intake and adjustment process (JD preliminary procedure). Per sec-

tion 246.4 of the Executive Law, such additional state aid shall be made in an amount necessary to pay one hundred percent other expenditures for evidence-based practices and juvenile risk and evidence-based intervention services provided to youth sixteen years of age or older when such services would not otherwise have been provided absent the provisions of a chapter of the laws of two thousand seventeen that increased the age of juvenile jurisdiction. Increased JD youth volumes will require additional probation staff. Increased JD youth volumes will also draw from local interventions and services designed to reduce risk of recidivism, resulting in a need for probation departments to expand the availability of expected service needs.

5. Self-employment opportunities:

Probation professionals are employed by New York's 58 probation departments (57 county-based and NYC), and as such, the proposed amendments do not involve self-employment opportunities.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

New Rule 359: Role of Probation in Youth Part of Superior Court

I.D. No. CJS-32-18-00010-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 359 to Title 9 NYCRR.

Statutory authority: Executive Law, section 243(1); Criminal Procedure Law, art. 722

Subject: New Rule 359: Role of Probation in Youth Part of Superior Court.

Purpose: Update existing rule to reflect services which will be performed by probation departments as a result of Raise the Age Law.

Substance of proposed rule (Full text is posted at the following State website: <http://www.criminaljustice.ny.gov/>): The passage of the Raise the Age legislation becoming effective October 1, 2018 establishes a new Youth Part of Superior Court and a newly established statutory role for probation departments to provide Voluntary Assessment and Case Planning services to Adolescent Offenders and Juvenile Offenders with matters before this court. This new Part 359 - Role of Probation in Youth Part of the Superior Court addresses the role for Probation in this legislation. Section 359.1 provides definitions that support a better understanding of the content of this rule. Section 359.2 states the Objective of this rule in defining probation's role in offering Voluntary Assessment and Case Planning services as well as when probation departments deliver pretrial release services, to the Adolescent Offender and Juvenile Offender charged with a crime in the Youth Part.

Applicability of the rule is addressed in Section 359.3. Jurisdiction is addressed in Section 359.4 where it clarifies to probation departments how a case may be handled when a youth resides in a jurisdiction other than that where the alleged crime occurred. Sections 359.5 and 359.6 outline the general requirements and provision of service for Probation departments in delivering Voluntary Assessment and Case Planning Services in Youth Part. This includes the establishment of the required service. This section also outlines minimum elements for and adoption of probation department policy and procedures. It describes the timeframes for notification to youth of services available to them, advisements to the youth of the voluntary nature of the Voluntary Assessment and Case Planning service, protocols and timeframes for conducting interviews and assessments of youth, case planning and referral to targeted interventions, and reassessment. It also addresses involvement of parents or other persons legally responsible for the youth's care. Section 359.7 discusses the reporting of youth progress and providing summaries to the court during the pendency of a case as well as when proceeding to a Pre-Sentence Investigation. Section 359.8 addresses how Probation shall handle cases that have been removed from Youth Part to Family Court jurisdiction.

Section 359.9 of this rule discusses the role of probation when providing Pretrial services in Youth Part of Superior Court. It requires that if a probation department provides such a service, the department shall have written policies and procedures for the provision of such service. The content of this section addresses screening of youth, interview and assessment for pretrial release services, advisement to the court of available alternatives to detention, procedures and timeframes for monitoring and reporting to the court regarding compliance of the youth released for this purpose.

Section 359.10 outlines case record keeping requirements by probation for services provided in Youth Part.

Text of proposed rule and any required statements and analyses may be obtained from: Natasha M. Harvin-Locklear, Division of Criminal Justice Services, 80 South Swan Street, Albany, NY 12210, (518) 457-8413, email: dcjslegalrulemaking@dcjs.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority:

Executive Law (EL) § 243 establishes that the Division of Criminal Justice Services (DCJS) Office of Probation and Correctional Alternatives (OPCA) shall exercise general supervision over the administration of probation services throughout the state, and further establishes the authority of DCJS to promulgate rules regulating methods and procedures of the administration of probation services. Further, EL§ 257 (6) (b) also recognizes DCJS' statutory rulemaking authority.

2. Legislative objectives:

Statutory law assigns the clear authority of DCJS to establish minimum standards governing probation practice. This new regulation is created to define the statutory responsibility of probation departments in Youth Part of Superior Court, as it becomes effective October 1, 2018 due to "Raise the Age" (RTA) legislation. This rule-making is consistent with legislative intent regarding critical probation functions and the promotion of professional standards which govern administration and delivery of probation services in the newly established Youth Part of Superior Court. To represent the scope of these statutorily-required and essential functions by probation departments, this rule title is "Role of Probation in Youth Part of the Superior Court". By vesting the Commissioner of DCJS with rule-making authority, the Legislature authorized DCJS to set minimum standards in this area.

The overarching goal of this rule is to define the functions performed by probation departments in the newly established Youth Parts of Superior Court. These new courts will be established pursuant to legislative requirements in each jurisdiction in New York State. Probation departments will perform important functions in each court. This rule-making is necessary to: 1) define legislative processes that become effective October 1, 2018 due to RTA legislation; 2) incorporate contemporary evidence-based (research-supported) practice principles for effective interventions; 3) incorporate best probation practice in the area of Voluntary Assessment and Case Planning services; 4) ensure consistent statewide application of key intervention strategies to youth receiving Voluntary Assessment and Case Planning services; and 5) reduce unnecessary and costly reliance on detention and incarceration of youth.

3. Needs and benefits:

In accordance with Criminal Procedure Law (CPL) section § 722, probation will become responsible to provide Voluntary Assessment and Case Planning services to youth with cases in Youth Part. Rule-making is necessary at this time not only to reflect this new role, but to also address other functions probation departments may provide in the newly established Youth Part of Superior Court, as a criminal court. This rule-making prescribes the role of probation for the statutorily required functions as well as those functions for which probation is authorized to serve the court.

Consistent with good practice and/or certain legal provisions, this rule affirms model probation practices. Achieving uniform probation understanding of RTA provisions, as well as model probation practice includes 1) definitions that will be used in Youth Part of Superior Court; 2) an engagement process that will maximize potential for positive youth outcomes; 3) assessment, case planning and referral to targeted interventions when a youth consents to Voluntary Assessment and Case Planning services; 4) summary and reports to court; and 5) pretrial release services in Youth Part of Superior Court.

While some content is prescriptive, there is flexibility for jurisdictions to develop policies and procedures that meet local needs and resources. This rule incorporates nationally recognized evidence-based practice principles demonstrated in research to reduce risk of recidivism, by addressing needs underlying the alleged offending behaviors. It is estimated that due to RTA legislation more than 6,700 youth (ages 16 and 17) charged with felony offenses will be handled in the Youth Part of Superior Court annually, by full implementation of RTA.

The proposed rule is the culmination of the efforts of a statewide Probation RTA Rule Revision Workgroup comprised of probation professionals from urban, rural, and suburban counties across New York State (NYS) and DCJS staff. Importantly, workgroup membership included representatives of the New York State Council of Probation Administrators (COPA), and the New York State Probation Officers Association (POA) to ensure input from those organizations. COPA and NYSPOA are professional probation associations. The proposed revisions evolved through a series of workgroup meetings.

Prior drafts of the proposed amendments were shared with all probation directors in February and April 2018. Responses were received directly from probation directors, as well as from COPA. Feedback from these sources resulted in edits being made. DCJS, however, did make additional minor changes to the most recently circulated draft version of this rule to

provide greater clarity and flexibility in language consistent with our agency intent.

4. Costs:

a. It is expected that probation departments will incur an increased cost to deliver Voluntary Assessment and Case Planning services as it becomes statutory assigned to probation departments due to RTA legislative mandate effective October 1, 2018. This will result in increased additional probation staffing associated with providing Voluntary Assessment and Case Planning services whenever a 16-17 year old is arraigned in the Youth Part of Superior Court.

b. DCJS-OPCA will increase juvenile operations staffing levels to provide technical assistance to localities in the implementation of the regulatory requirements.

c. DCJS anticipates that this rule will result in additional costs to probation departments due to the newly mandated Voluntary Assessment and Case Planning service, by probation in Youth Parts located in each jurisdiction. Per section 246.4 of the Executive Law, such additional state aid shall be made in an amount necessary to pay one hundred percent other expenditures for evidence-based practices and juvenile risk and evidence-based intervention services provided to youth sixteen years of age or older when such services would not otherwise have been provided absent the provisions of a chapter of the laws of two thousand seventeen that increased the age of juvenile jurisdiction. These additional probation functions in Youth Part will require additional probation staffing. Increased volumes of youth referred to and consuming local interventions and services designed to reduce risk of recidivism, will likely result in a need for probation departments to expand the availability of expected service needs.

5. Local government mandates:

DCJS-OPCA rule will guide probation's delivery of Voluntary Assessment and Case Planning services as well as other Youth Part functions that probation departments may provide to the criminal court. Local probation departments are required to provide Voluntary Assessment and Case Planning services to youth with matters in Youth Part, if those youth consent to such services. DCJS believes effective assessment and case planning services can reduce long-term state and local governmental costs for youth at risk of continued involvement with the juvenile justice or criminal justice system. By strategically focusing targeted interventions based on the criminogenic needs of justice-involved youth, localities will realize cost savings in the long-term by increasing youth capacity to lead productive, law-abiding lives.

DCJS has made available, at no cost to jurisdictions, the Youth Assessment and Screening Instrument (YASI) tools and software for youth intake, investigation and supervision services. Fifty-seven counties currently use YASI. Consistent application and sharing of screening, assessment, and case planning protocols and results will further add savings by avoiding duplication of efforts within and across probation departments. Assessment has been a routine business function of local probation departments. NYC utilizes the Youth Level of Service Inventory (YLSI) Instrument.

6. Paperwork:

DCJS anticipates that the proposed rule will result in the need for additional reporting fields that will represent new probation functions in Youth Part, into the existing OP30 probation workload reporting. This rule does not otherwise change the monthly workload reporting requirements to our state agency, DCJS. DCJS does not anticipate any other substantive changes to reporting, or record keeping requirements by rural counties. There are no professional services required of small business associated with these proposed rule amendments. Additionally, some forms applicable to probation services in the Youth Part will be provided as templates. Fifty seven probation departments utilize the Caseload Explorer automated case management system.

7. Duplication:

These amendments do not duplicate any other existing State or Federal requirements.

8. Alternatives:

This proposal takes into account the extensive efforts of the statewide workgroup, DCJS, and probation professional organizations, and reflects input received from probation professionals across the state. The input received from that dissemination and discussion was taken into consideration, and resulted in the incorporation of certain modifications.

9. Federal standards:

None.

10. Compliance schedule:

Probation departments in many jurisdictions will need to hire additional probation officers and staff to build capacity to manage increased workload due to the new probation Voluntary Assessment and Case Planning services in Youth Part. Thereafter, through prompt dissemination to staff of the new rule and its summary, OPCA-sponsored webinars and Youth Part Practice Guidance for Probation, local departments should be able to implement these amendments and comply with the provisions when adopted.

Regulatory Flexibility Analysis

1. Effect of Rule:

The proposed amendments affect all local probation departments in New York State (NYS) and therefore the 57 counties outside of New York City (NYC) as well as NYC. The proposed amendments do not have any impact on small business.

2. Compliance Requirements:

This rule reflects the new service delivery that must be provided by probation departments to youth with cases pending in Youth Part of Superior Court. Rule content is necessary to conform with "Raise the Age" (RTA) legislative changes that become effective October 1, 2018. There are no small business compliance requirements imposed by this rule.

3. Professional Services:

No professional services are required beyond statutorily defined probation functions, to comply with this rule. There are no professional services required of small business associated with this rule.

4. Compliance Cost:

Due to RTA legislation, effective October 1, 2018, probation departments will become responsible to provide Voluntary Assessment and Case Planning Services in Youth Part of Superior Court in every jurisdiction in the state. It is estimated that due to this legislation more than 6,700 youth (ages 16 and 17) charged with felony offenses will be handled in the Youth Part annually when the law is fully implemented. The requirement for each probation department to perform this new statutory function in Youth Part will result in increased staffing needs in each probation jurisdiction in order for each department to be able to perform this function to the standard of this rule.

DCJS anticipates that the RTA legislation and this corresponding rule, will result in additional costs to probation departments due to the new statutory responsibilities of probation departments. Per section 246.4 of the Executive Law, such additional state aid shall be made in an amount necessary to pay one hundred percent other expenditures for evidence-based practices and juvenile risk and evidence-based intervention services provided to youth sixteen years of age or older when such services would not otherwise have been provided absent the provisions of a chapter of the laws of two thousand seventeen that increased the age of juvenile jurisdiction.

5. Economic and Technological Feasibility:

DCJS has supported the development and deployment of Caseload Explorer case management software for all probation departments. DCJS does not anticipate any technological problems will be experienced by probation departments as a result of these rule changes. Automation will be expected to enhance the efforts of probation officers and assist them in their efforts to perform the new Youth Part voluntary assessment and case planning activities. There are no economic or technological issues faced by small businesses as these proposed rules do not affect them.

DCJS has made available, at no cost to jurisdictions, the Youth Assessment and Screening Instrument (YASI) tools and software for youth intake, investigation and supervision services. Fifty-seven counties currently use YASI. Consistent application and sharing of screening, assessment, and case planning protocols and results will further add savings by avoiding duplication of efforts within and across probation departments. Assessment has been a routine business function of local probation departments at existing justice system process points. RTA legislation creates a new process point in Voluntary Assessment and Case Planning Services in Youth Part.

6. Minimizing Adverse Impact:

In the preparation and drafting of the proposed amendments, OPCA was diligent in engaging probation professionals from around the state: 1) In September 2017, OPCA commenced the aforementioned RTA Rule Revision workgroup with representatives from across the state representing small, medium, and large jurisdictions including urban and rural jurisdictions; 2) In February and April 2018, OPCA circulated a refined draft to all probation directors/commissioners; and 3) throughout the Workgroup sessions, a specific committee (known as the Probation Administrators Research Committee, or PARC) of the Council of Probation Administrators (COPA), reviewed the proposed Rule and provided feedback.

7. Small Business and Local Government Participation:

As noted earlier, OPCA previously sought to engage probation departments from across the State on the development and refinement of the proposed regulatory changes.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

Forty-four local probation departments are located in rural areas and will be affected by the proposed rule amendments.

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

DCJS anticipates that the proposed rule will result in the need for additional reporting data fields that will represent new probation functions in

Youth Part. These fields will be created in the Caseload Explorer case management system which will automate the entry of data related to the engagement of Adolescent and Juvenile Offenders in the Youth Part and track voluntary assessment and case planning activities as well as capture outcomes for youth and the interventions and/or program services in which they have volunteered. This rule does not otherwise change the monthly workload reporting requirements to DCJS. DCJS does not anticipate any other substantive changes to reporting, or record keeping requirements by rural counties. There are no professional services required of small business associated with these proposed rule amendments.

3. Costs:

DCJS anticipates that the proposed rule will result in additional costs to probation departments due to the newly mandated Voluntary Assessment and Case Planning services be performed by probation in the Youth Parts of Superior Courts. Per section 246.4 of the Executive Law, such additional state aid shall be made in an amount necessary to pay one hundred percent other expenditures for evidence-based practices and juvenile risk and evidence-based intervention services provided to youth sixteen years of age or older when such services would not otherwise have been provided absent the provisions of a chapter of the laws of two thousand seventeen that increased the age of juvenile jurisdiction. These additional probation functions in Youth Part will require additional probation staffing.

Increased volumes of youth referred to and consuming local interventions and services designed to reduce risk of recidivism, will likely result in a need for probation departments to expand the availability of such targeted services/interventions.

DCJS believes that while this rule is prescriptive, there is flexibility for jurisdictions to develop policies and procedures that meet local needs and resources. OPCA has continued to encourage smaller, rural localities to pursue regional intervention/service delivery designs for specialized youth interventions so that they may be available and sustainable to rural youth.

As part of the State's efforts to streamline recordkeeping, avoid duplication and achieve cost savings, OPCA has supported the deployment of a web-based case management software, known as Caseload Explorer. Currently, 57 probation departments currently utilize and many rural counties benefit from this software. DCJS will support the development and roll-out of necessary changes to Caseload Explorer to conform with RTA. Many rural counties are and will continue to benefit from this deployment. DCJS has also made available, at no cost to jurisdictions, the Youth Assessment and Screening Instrument (YASI) tools and software for youth intake, investigation and supervision services. Fifty-seven counties currently use YASI and NYC uses the Youth Level of Service Inventory or YSLI.

4. Minimizing adverse impact:

DCJS foresees that these regulatory amendments will have minimal adverse impact on rural areas in that probation departments will be able to understand their new role in Youth Part and design services that conform to the legislative intent. It is noted that the legislative mandate will create additional workload to probation departments. As noted in more detail below, OPCA collaborated with jurisdictions across the state, including rural areas, and probation professional associations with rural membership in developing the proposed rule and incorporated numerous suggestions to clarify or address issues raised and to reflect good probation practice across the state. To OPCA's knowledge, no adverse impact on rural areas were identified, and DCJS embraced flexibility where it was found to be consistent with good probation practice. Additionally, funding reimbursement for localities related to new Raise the Age probation functions is appropriated in the New York State budget to meet the estimated need for increased probation professional staffing.

5. Rural area participation:

These revisions were developed by an OPCA working committee comprised of OPCA staff and several local probation departments representing all geographic regions of the state, including rural, and involving all levels of probation staff, including director, deputy director, supervisor, senior probation officer, and probation officer. OPCA circulated drafts to all probation directors/commissioners, the Council of Probation Administrators or COPA (the statewide professional association of probation administrators), which assigned it to a specific committee for review, with rural representation. The proposed regulatory amendments incorporate verbal and written suggestions gathered from probation professionals, including rural entities, across the state.

In the preparation and drafting of the proposed amendments, OPCA was diligent in engaging probation professionals from around the state: 1) In September 2017, OPCA commenced the aforementioned RTA Rule Revision workgroup with representatives from across the state representing small, medium, and large jurisdictions including urban and rural jurisdictions; 2) In February and April 2018, OPCA circulated a refined draft to all probation directors/commissioners; and 3) throughout the Workgroup sessions, a specific committee (known as the Probation Administrators Research Committee, or PARC) of the Council of Probation

Administrators (COPA), reviewed the proposed Rule and provided feedback.

Moreover, aside from probation officer staffing needs, DCJS did not find significant differences among urban, rural, and suburban jurisdictions as to issues raised or suggestions for change in content in this amendment. DCJS is confident that these regulatory changes have the flexibility to accommodate rural jurisdictional needs.

Job Impact Statement

1. Nature of impact:

This rule recognizes and incorporates the critical function of probation services to carry out the intent of a more fair, equitable and safe youth justice system reflected in "Raise the Age" (RTA) legislation, that becomes effective October 1, 2018. It is expected that this rule will result in additional costs to probation departments due to the newly mandated service, Voluntary Assessment and Case Planning services, by probation present in Youth Parts of Superior Courts located in each jurisdiction. These additional probation functions in Youth Part will require additional probation staffing in jurisdictions so that they may perform this statutorily required function. Funding reimbursement for localities related to new Raise the Age probation functions is appropriated in the New York State budget to meet the estimated need for increased probation professional staffing.

2. Categories and numbers affected:

The proposed amendments do not adversely affect the more than 2,500 probation professionals currently serving in positions throughout NYS, if staffing allocations are apportioned. Most localities will require additional probation staff or support for overtime to perform the functions statutorily required in RTA legislation. Local civil service agencies are responsible to offer examinations for positions in each county/NYC. The existing promotional and open competitive civil service lists which may exist, and the individuals on current eligible lists are a locally driven process.

3. Regions of adverse impact:

The rule will have no adverse or disproportionate impact on jobs or employment opportunities in any region of NYS. In addition to filling the positions via open competitive or promotional examination, NYS Civil Service may offer guidance to localities regarding the opportunity to fill these positions through transfer, and other means as authorized in Civil Service Law such as non-competitive examination, thereby minimizing any adverse impact which may occur.

4. Minimizing adverse impact:

The proposed changes are the culmination of the efforts of a statewide Probation RTA Rule Revision Workgroup comprised of probation professionals from urban, rural, and suburban counties across New York State (NYS) and DCJS staff. Importantly, workgroup membership included representatives of the New York State Council of Probation Administrators (COPA), and the New York State Probation Officers Association (POA) to ensure input from those organizations. COPA and NYSPOA are professional probation associations. The proposed revisions evolved through a series of workgroup meetings.

DCJS does not anticipate that these regulatory amendments will have an adverse impact on existing jobs or employment opportunities, provided additional probation positions are funded to address the incremental work and costs associated with the implementation of Raise the Age. Per section 246.4 of the Executive Law, such additional state aid shall be made in an amount necessary to pay one hundred percent other expenditures for evidence-based practices and juvenile risk and evidence-based intervention services provided to youth sixteen years of age or older when such services would not otherwise have been provided absent the provisions of a chapter of the laws of two thousand seventeen that increased the age of juvenile jurisdiction.

5. Self-employment opportunities:

Probation professionals are employed by New York's 58 probation departments (57 county-based and NYC), and as such, the proposed amendments do not involve self-employment opportunities.

Department of Financial Services

EMERGENCY RULE MAKING

Business Conduct of Mortgage Loan Servicers

I.D. No. DFS-32-18-00001-E

Filing No. 675

Filing Date: 2018-07-18

Effective Date: 2018-07-18

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

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

Statutory authority: Banking Law, art. 12-D

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

Specific reasons underlying the finding of necessity: The legislature required the registration of mortgage loan servicers as part of the Mortgage Lending Reform Law of 2008 (Ch. 472, Laws of 2008, hereinafter, the "Mortgage Lending Reform Law") to help address the existing foreclosure crisis in the state. By registering servicers and requiring that servicers engage in the business of mortgage loan servicing in compliance with rules and regulations adopted by the Superintendent, the legislature intended to help ensure that servicers conduct their business in a manner acceptable to the Department. However, since the passage of the Mortgage Lending Reform Law, foreclosures continue to pose a significant threat to New York homeowners. The Department continues to receive complaints from homeowners and housing advocates that mortgage loan servicers' response to delinquencies and their efforts at loss mitigation are inadequate. These rules are intended to provide clear guidance to mortgage loan servicers as to the procedures and standards they should follow with respect to loan delinquencies. The rules impose a duty of fair dealing on loan servicers in their communications, transactions and other dealings with borrowers. In addition, the rule sets standards with respect to the handling of loan delinquencies and loss mitigation. The rule further requires specific reporting on the status of delinquent loans with the Department so that it has the information necessary to assess loan servicers' performance.

In addition to addressing the pressing issue of mortgage loan delinquencies and loss mitigation, the rule addresses other areas of significant concern to homeowners, including the handling of borrower complaints and inquiries, the payment of taxes and insurance, crediting of payments and handling of late payments, payoff balances and servicer fees. The rule also sets forth prohibited practices such as engaging in deceptive practices or placing homeowners' insurance on property when the servicers has reason to know that the homeowner has an effective policy for such insurance.

Subject: The business conduct of mortgage loan servicers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire October 15, 2018.

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

Regulatory Impact Statement

1. Statutory Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Legislative Objectives.

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

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

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

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

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

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

3. Needs and Benefits.

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

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

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

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

As noted above, Part 418, initially adopted on an emergency basis on July 1 2009, relates to the first component of the mortgage servicing statute – the registration of mortgage loan servicers. It was intended to ensure that only those persons and entities with adequate financial support and sound character and general fitness will be permitted to register as mortgage loan servicers. It also provided for the suspension, revocation and termination of licensees involved in wrongdoing and establishes minimum financial standards for mortgage loan servicers.

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

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

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

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

4. Costs.

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

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

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

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

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

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

5. Local Government Mandates.

None.

6. Paperwork.

Part 419 requires mortgage loan servicers to keep books and records related to its servicing for a period of three years and to produce quarterly reports and financial statements as well as annual and other reports requested by the Superintendent. It is anticipated that the quarterly reporting relating to mortgage loan servicing will be done electronically and would therefore be virtually paperless. The other recordkeeping and reporting requirements are consistent with standards generally required of mortgage bankers and brokers and other regulated financial services entities.

7. Duplication.

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

8. Alternatives.

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

9. Federal Standards.

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

Additionally, the newly created Bureau of Consumer Financial Protec-

tion established by the Dodd-Frank Act may soon propose additional regulations for mortgage loan servicers.

10. Compliance Schedule.

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

Regulatory Flexibility Analysis

1. Effect of the Rule:

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

2. Compliance Requirements:

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

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

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

3. Professional Services:

None.

4. Compliance Costs:

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

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

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

Many of the other requirements of Part 419 such as those related to handling of taxes, insurance and escrow payments, collection of late fees and charges, crediting of payments derive from federal or state laws and

reflect best industry practices. The periodic reporting and bookkeeping and record keeping requirements are also standard among financial services businesses, including mortgage bankers and brokers (see, for example section 410 of the Superintendent's Regulations).

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

5. Economic and Technological Feasibility:

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

6. Minimizing Adverse Impacts:

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

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

7. Small Business and Local Government Participation:

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

Rural Area Flexibility Analysis

Types and Estimated Numbers:

Since the adoption of the Mortgage Lending Reform Law of 2008 (Ch. 472, Laws of 2008, hereinafter, the "Mortgage Lending Reform Law"), which required mortgage loan servicers to be registered with the Department unless exempted under the law, 67 entities have pending applications or have been approved for registration and nearly 400 entities have indicated that they are a mortgage banker, broker, bank or other organization exempt from the registration requirements. Only one of the non-exempt entities applying for registration is located in New York and operating in a rural area. Of the exempt organizations, all of which are required to comply with the conduct of business contained in Part 419, approximately 400 are located in New York, including several in rural areas. However, the overwhelming majority of exempt organizations, regardless of where located, are banks or credit unions that are already regulated and are thus familiar with complying with the types of requirements contained in this regulation.

Compliance Requirements:

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

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

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

Costs:

The requirements of Part 419 do not impose any direct costs on mortgage loan servicers. The periodic reporting requirements of Part 419

are consistent with those imposed on other regulated entities. In addition, many of the other requirements of Part 419, such as those related to the handling of loan delinquencies, taxes, insurance and escrow payments, collection of late fees and charges and crediting of payments, derive from federal or state laws, current federal loan modification programs, servicing guidelines utilized by Fannie Mae and Freddie Mac or servicers' own protocols. Although mortgage loan servicers may incur some additional costs as a result of complying with Part 419, the overwhelming majority of mortgage loan servicers are banks, credit unions, operating subsidiaries or affiliates of banks, large independent servicers or other financial services entities that service millions, and even billions, of dollars in loans and have the experience, resources and systems to comply with these requirements. Of the 67 entities that have been approved for registration or that have pending applications, only one is located in a rural area of New York State. Of the few exempt organizations located in rural areas of New York, virtually all are banks or credit unions. Moreover, compliance with the rule should improve the servicing of residential mortgage loans in New York, including the handling of mortgage delinquencies, help prevent unnecessary foreclosures and reduce consumer complaints regarding the servicing of residential mortgage loans.

Minimizing Adverse Impacts:

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

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

Rural Area Participation:

The Department issued a draft of Part 419 in December 2009 and held meetings with and received comments from industry and consumer groups following the release of the draft rule. The Department also maintains continuous contact with large segments of the servicing industry through its regulation of mortgage bankers and brokers and its work in the area of foreclosure prevention. The Department likewise maintains close contact with a variety of consumer groups through its community outreach programs and foreclosure mitigation programs. The Department has utilized this knowledge base in drafting the regulation.

Job Impact Statement

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

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

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

New York State Gaming Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Blazing 7s Progressive Wager

I.D. No. SGC-32-18-00002-P

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

Proposed Action: Addition of section 5324.11(q) to Title 9 NYCRR.

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

Subject: Blazing 7s Progressive Wager.

Purpose: To set forth the practices and procedures for the operation of Blazing 7s Progressive Wager as a casino table game.

Text of proposed rule: A new subdivision 5324.11(q) of Title 9 NYCRR would be added to read as follows:

§ 5324.11 Blackjack

* * *

(q) *Blazing 7s progressive wager. The gaming facility may provide a blazing 7s progressive wager as an additional side wager in the game of blackjack.*

(1) *All blazing 7s progressive wagers shall be made in the designated betting space or coin slot on the layout, in an amount that shall be established by the gaming facility prior to the commencement of a round of play. Once all wagers are made, the dealer shall announce "no more bets." Simultaneously with such announcement, the dealer shall activate the blazing 7s progressive wager lock-out feature by depressing the coin-in button or collecting the wagers from the designated betting space. No blazing 7s progressive wager shall be accepted after a card has been dealt in the underlying blackjack game.*

(2) *Each blazing 7s progressive wager shall increase the game's progressive jackpot meter and entitle a player to win that progressive jackpot prize upon obtaining a hand comprising three sevens of the same suit or three sevens of diamonds, depending on the pay table used. The amount of the initial blazing 7s progressive prize, which shall be established by the gaming facility, shall be reset to that amount following each 100% blazing 7s progressive payout. The blazing 7s progressive shall be augmented upon each wager in increments established by the gaming facility's approved system of internal controls, without regard to the outcome of the blazing 7s progressive wager. The initial and reset amounts shall be at least \$2,000, if the required blazing 7s progressive wager is \$1, and at least \$10,000, if the required blazing 7s progressive wager is \$5.*

(3) *If other optional wagers in the game of blackjack are offered on the same table as the blazing 7s progressive wager, the dealer shall first settle those optional wagers.*

(4) *If a player splits the first two sevens the player is dealt, for purposes of the underlying game, blazing 7s progressive wager shall be based on the two sevens and the third card dealt to the player.*

(5) *A blazing 7s progressive wager loses if a player is not dealt two sevens in the player's initial two cards.*

(6) *In the case of dealer blackjack, the player shall receive a third card if the first two cards dealt to the player are sevens but will still lose the player's blackjack wager regardless of outcome.*

(7) *Each gaming facility shall pay a winning blazing 7s progressive wager at odds no less than the following (with the gaming facility choosing pay table A or pay table B), to a player who receives:*

Hand	Pay table A	Pay table B
Three 7s of the same suit	100% of meter	not applicable
Three 7s of diamonds	not applicable	100% of meter

Three 7s of clubs, hearts or spades	not applicable	10% of meter
Three 7s of same color	10% of meter	500:1
Three 7s	200:1	200:1
Two 7s as the first two cards	25:1	25:1
One 7 among the first two cards	2:1	2:1

(8) *When a player has a blazing 7s progressive hand that requires a change to the meter:*

(i) *the gaming facility supervisor shall notify the surveillance department and any other department, as appropriate; and*

(ii) *pit management shall insert the jackpot key into the jackpot computer, verify the amount of the payout to the winning player or players and secure the key in accordance with the gaming facility's approved system of internal controls.*

(9) *Upon completion of each round of play, the dealer shall press the game-over button and commence a new round of play.*

(10) *Notwithstanding the requirements in paragraph (4) of this subdivision, if the first two cards of the player are sevens, the gaming facility may use a dealing procedure wherein the dealer's up card, rather than a player's drawn card, shall be used to determine whether the player receives a payout for three sevens in accordance with paragraph (7) of this subdivision. The gaming facility shall provide notice to the commission of this change in dealing procedure prior to its implementation on the gaming floor.*

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, 6th Floor, Schenectady, NY 12305, (518) 388-3332, email: gamingrules@ gaming.ny.gov

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

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

Regulatory Impact Statement

1. **STATUTORY AUTHORITY:** Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") section 104(19) grants authority to the Gaming Commission ("Commission") to promulgate rules and regulations that it deems necessary to carry out its responsibilities. Racing Law section 1307(1) authorizes the Commission to adopt regulations that it deems necessary to protect the public interest in carrying out the provisions of Racing Law Article 13.

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

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

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

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

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

3. **NEEDS AND BENEFITS:** The proposed rule implements the above-listed statutory directives regarding table game rules and equipment. Best practices addressed in the proposed rule include detailing the rules of play for the Blazing 7s Progressive Wager, as well as relevant pay tables.

4. COSTS:

(a) **Costs to the regulated parties for the implementation of and/or continuing compliance with this rule:** The anticipated cost of implementing and complying with the proposed regulation for those gaming facilities who wish to offer the wager will be approximately \$7,500 per year for each gaming facility, based on the estimated license fee charged by Bally Gaming, Inc. d/b/a Bally Technologies for the game. There will be no additional costs for any gaming facility that chooses not to offer the wager.

(b) **Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule:** The costs to the Commission for the implementation of and continued administration of the rule will be negligible given that all such costs are the

responsibility of the gaming facility. These rules will not impose any additional costs on local governments.

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

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

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

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

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

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

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

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

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

The proposed rule does not impact local governments or small businesses as it is not expected that any local government or small business will hold a gaming facility license.

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

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

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

Justice Center for the Protection of People with Special Needs

NOTICE OF WITHDRAWAL

Protocols for Interviewing Service Recipients

I.D. No. JCP-21-18-00030-W

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

Action taken: Notice of proposed rule making, I.D. No. JCP-21-18-00030-P, has been withdrawn from consideration. The notice of proposed rule making was published in the *State Register* on May 23, 2018.

Subject: Protocols for interviewing service recipients.

Reason(s) for withdrawal of the proposed rule: Due to deficiencies in the proposal as initially submitted a new proposed rule making was subsequently submitted.

Office for People with Developmental Disabilities

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Telehealth

I.D. No. PDD-32-18-00003-EP

Filing No. 677

Filing Date: 2018-07-19

Effective Date: 2018-07-19

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

Proposed Action: Amendment of Part 679 and Subpart 635-13 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b), 16.00; Public Health Law, sections 2999-cc and 2999-dd

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

Specific reasons underlying the finding of necessity: The emergency adoption of regulations that authorizes telehealth as a new mechanism to deliver clinical services is necessary to protect the health, safety, and welfare of individuals receiving services in the OPWDD system. The proposed/emergency regulation will allow individuals to receive clinical services via telehealth, pursuant to recent legislative amendments to Public Health Law §§ 2999-cc and 2999-dd.

Telehealth will increase individuals access to care by allowing them to receive services remotely, rather than in the home or another costlier and more restrictive settings. The regulations must be filed on an emergency basis to ensure that OPWDD establishes telehealth regulations by July 11, 2018, the date prescribed by the amendments to Public Health Law §§ 2999-cc and 2999-dd. If the regulations are not adopted by July 11, 2018, OPWDD will not meet the amended statutory requirement and voluntary and state-operated facilities will not be able to deliver clinical services to individuals via telehealth on the effective date of the statute. The regulatory updates are minimal, and when weighed against the significant loss of the ability to provide clinical services via telehealth on the statutory start date, the limit of full public notice is less significant.

Subject: Telehealth.

Purpose: To authorize telehealth as a new modality for the delivery of clinical services.

Text of emergency/proposed rule: New paragraph 679.1(c)(4) is added as follows, and all remaining paragraphs are renumbered accordingly:

(4) *Providing access to clinical services to a person located in his/her residence or other temporary location via telehealth (see glossary) while the provider is located either at a main clinic site certified by OPWDD or at a certified satellite site (see glossary).*

New subdivision 679.2(c) is added as follows, and all remaining paragraphs are renumbered accordingly:

(c) *Section 367-u of the Social Services Law provides that the commissioner shall not exclude from the payment of medical assistance funds the delivery of healthcare services through telehealth when the services are provided pursuant to section 2999-cc(3) of the Public Health Law and meet the requirements of federal law, rules and regulations.*

New subdivision 679.2(f) is added as follows:

(f) *Section 2999-cc of the Public Health Law provides that health care services, which must include the assessment, diagnosis, consultation, treatment, education, care management, and/or self-management of a patient, may be provided via the use of electronic information and communication technologies between qualifying providers located at a distant site and a patient located at an originating site.*

New subdivision 679.2(g) is added as follows:

(g) *Section 4406-g of the Public Health Law provides that a health maintenance organization shall not exclude from coverage a service that is covered under an enrollee contract of a health maintenance organization because the service is delivered via telehealth.*

New subdivision 679.2(h) is added as follows:

(g) *Sections 3217-h and 4306-g of the Insurance Law provide that under an insurance policy that provides comprehensive coverage for hospital,*

medical or surgical care, said services shall not be excluded from coverage because the service is delivered via telehealth.

Existing subdivision 679.5(c) is amended as follows:

(c) A clinic visit may include face-to-face service as defined by allowable Current Procedural Terminology (CPT)/Healthcare Common Procedure Coding System (HCPCS) and/or Current Dental Terminology (CDT) codes, or *such allowable services provided via telehealth.*

Existing subdivision 679.6(b) is amended as follows:

(b) Each agency that operates a clinic treatment facility shall provide OPWDD information it requests, including but not limited to the following: services provided by CPT/HCPCS and/or CDT codes, where such services were delivered, *including the location of both the provider and the individual when services are delivered via telehealth*, (i.e., on-site or at a certified satellite site, or, prior to April 1, 2016, off-site) and revenues by funding source or payee. These data shall correspond to the identical time period of the cost report.

New subdivision 679.99(w) is added as follows, and all remaining subdivisions are renumbered accordingly:

(w) *Telehealth. The use of electronic information and communication technologies by a health care provider to deliver health care services to an individual while such individual is located at a site that is different from the site where the health care provider is located.*

New subdivision 635-13.4(c) is added as follows, and all remaining subdivisions are renumbered accordingly:

(c) *IPSIDD services are prohibited from being delivered via telehealth.*

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire October 16, 2018.

Text of rule and any required statements and analyses may be obtained from: Office of Counsel, Bureau of Policy and Regulatory Affairs, Office for People With Developmental Disabilities (OPWDD), 44 Holland Avenue, 3rd Floor, Albany, NY 12229, (518) 474-7700, email: rau.unit@opwdd.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.

Additional matter required by statute: Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described herein will have no effect on the environment and an E.I.S. is not needed.

Regulatory Impact Statement

1. Statutory Authority:

a. OPWDD has the statutory responsibility to provide and encourage the provision of appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of persons with developmental disabilities, as stated in the New York State (NYS) Mental Hygiene Law Section 13.07.

b. OPWDD has the authority to adopt rules and regulations necessary and proper to implement any matter under its jurisdiction as stated in the NYS Mental Hygiene Law Section 13.09(b).

c. OPWDD has the statutory authority to adopt regulations concerned with the operation of programs and the provision of services, as stated in the NYS Mental Hygiene Law Section 16.00.

d. OPWDD has the statutory authority to enact regulations relating to the use of telehealth, as stated in Public Health Law Sections 2999-cc and 2999-dd.

2. **Legislative Objectives:** The proposed regulations further legislative objectives embodied in sections 13.07, 13.09(b) and 16.00 of the Mental Hygiene Law and sections 2999-cc and 2999-dd of the Public Health Law. The regulations expand the way individuals can receive clinical services by authorizing telehealth as a new mechanism to deliver clinical services.

3. **Needs and Benefits:** The proposed regulations amend Title 14 NYCRR Part 679 and Subpart 635-13 to authorize telehealth as a new modality for the delivery of clinical services.

The proposed regulations are necessary to allow individuals to receive clinical services via telehealth pursuant to recent legislative amendments to the Public Health Law.

The proposed regulations are beneficial to individuals because they provide individuals with greater access to community providers which reduces the potential need for higher cost services, such as emergency room services.

The proposed regulations are beneficial to providers because individuals can receive services remotely, rather than costlier services in a more restrictive setting.

4. Costs:

a. Costs to the Agency and to the State and its local governments:

There is no anticipated impact on Medicaid expenditures as a result of these proposed regulations. Medicaid expenditures should go down over time because the regulation improves access to clinical services and reduces the need for costlier, higher levels of care.

These regulations will not have any fiscal impact on local governments, as the contribution of local governments to Medicaid has been capped. Chapter 58 of the Laws of 2005 places a cap on the local share of Medicaid costs and local governments are already paying for Medicaid at the capped level.

There are no anticipated costs to OPWDD in its role as a provider of services to comply with the new requirements. These regulations with provide a new modality for the delivery of current OPWDD services.

b. **Costs to private regulated parties:**

There are no anticipated costs to regulated providers to comply with the proposed regulations. The amendments merely authorize telehealth as a new mechanism to deliver clinical services.

5. **Local Government Mandates:** There are no new requirements imposed by the rule on any county, city, town, village; or school, fire, or other special district.

6. **Paperwork:** Providers will not experience an increase in paperwork as a result of the proposed regulations.

7. **Duplication:** The proposed regulations do not duplicate any existing State or Federal requirements on this topic.

8. **Alternatives:** OPWDD did not consider any other alternatives to the proposed regulations. The regulations are necessary to allow telehealth as a new modality to deliver clinical services pursuant to recent statutory amendments.

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

10. **Compliance Schedule:** OPWDD is planning to adopt the proposed amendments on an emergency basis, within the timeframes mandated by the State Administrative Procedure Act. The proposed regulations were discussed with and reviewed by representatives of providers in advance of this proposal.

Regulatory Flexibility Analysis

A regulatory flexibility analysis for small businesses and local governments is not being submitted because these amendments will not impose any adverse economic impact or reporting, record keeping or other compliance requirements on small businesses. There are no professional services, capital, or other compliance costs imposed on small businesses as a result of these amendments.

The proposed regulations amend Title 14 NYCRR Part 679 and Subpart 635-13 to authorize telehealth as a new modality for the delivery of clinical services. The amendments will not result in costs or new compliance requirements for regulated parties and consequently, the amendments will not have any adverse effects on providers of small business and local governments.

Rural Area Flexibility Analysis

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

The proposed regulations amend Title 14 NYCRR Part 679 and Subpart 635-13 to authorize telehealth as a new modality for the delivery of clinical services. The amendments will not result in costs or new compliance requirements for regulated parties and consequently, the amendments will not have any adverse effects on providers in rural areas and local governments.

Job Impact Statement

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

The proposed regulations amend Title 14 NYCRR Part 679 and Subpart 635-13 to authorize telehealth as a new mechanism to deliver clinical services. The amendments will not result in costs, including staffing costs, or new compliance requirements for providers and consequently, the amendments will not have a substantial impact on jobs or employment opportunities in New York State.

Public Service Commission

NOTICE OF WITHDRAWAL

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

The following rule makings have been withdrawn from consideration:

I.D. No.	Publication Date of Proposal
PSC-32-13-00010-P	August 7, 2013
PSC-29-15-00018-P	July 22, 2015
PSC-06-16-00012-P	February 10, 2016
PSC-49-16-00005-P	December 7, 2016
PSC-29-17-00006-P	July 19, 2017
PSC-46-17-00006-P	November 15, 2017
PSC-46-17-00012-P	November 15, 2017
PSC-46-17-00014-P	November 15, 2017
PSC-02-18-00008-P	January 10, 2018
PSC-05-18-00008-P	January 31, 2018

NOTICE OF ADOPTION

Petition for Waiver of Under-Grounding Requirements

I.D. No. PSC-04-18-00008-A

Filing Date: 2018-07-18

Effective Date: 2018-07-18

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

Action taken: On 7/12/18, the PSC adopted an order denying Lost Lake Resort Company's (Lost Lake) petition for a waiver of the requirements for under-grounding of electric distribution facilities in new subdivisions.

Statutory authority: Public Service Law, sections 31(4), 51, 65(1) and 66(1)

Subject: Petition for waiver of under-grounding requirements.

Purpose: To deny Lost Lake's petition for a waiver of under-grounding requirements.

Substance of final rule: The Commission, on July 12, 2018, adopted an order denying Lost Lake Resort Company's petition for a waiver of Commission regulation 16 NYCRR § 100.1, which requires that electric infrastructure in new residential developments be installed underground, 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-0653SA1)

NOTICE OF ADOPTION

Submetering of Electricity and Waiver Request

I.D. No. PSC-12-18-00009-A

Filing Date: 2018-07-18

Effective Date: 2018-07-18

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

Action taken: On 7/12/18, the PSC adopted an order approving Halletts Building 1 SPE LLC's (Halletts) notice of intent to submeter electricity at 1-02 26th Avenue, Queens, New York and request for waiver of 16 NYCRR section 96.5(k)(3).

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

Subject: Submetering of electricity and waiver request.

Purpose: To approve Halletts' notice of intent to submeter electricity and request for waiver of 16 NYCRR section 96.5(k)(3).

Substance of final rule: The Commission, on July 12, 2018, adopted an order approving Halletts Building 1 SPE LLC's notice of intent to submeter electricity at 1-02 26th Avenue, Queens, New York, located in the service territory of Consolidated Edison Company of New York, Inc., and request for waiver of the energy audit and energy efficiency plan

requirements in 16 NYCRR § 96.5(k)(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.

(18-E-0001SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-13-18-00020-A

Filing Date: 2018-07-18

Effective Date: 2018-07-18

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

Action taken: On 7/12/18, the PSC adopted an order approving ERY Retail Podium LLC's (ERY) notice of intent to submeter electricity at 560 West 33rd Street, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve ERY's notice of intent to submeter electricity.

Substance of final rule: The Commission, on July 12, 2018, adopted an order approving ERY Retail Podium LLC's notice of intent to submeter electricity at 560 West 33rd Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 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.

(18-E-0135SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-13-18-00021-A

Filing Date: 2018-07-18

Effective Date: 2018-07-18

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

Action taken: On 7/12/18, the PSC adopted an order approving Harmony Mills South LLC's (Harmony Mills) notice of intent to submeter electricity at 90 State Street, Albany, New York.

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

Subject: Submetering of electricity.

Purpose: To approve Harmony Mills' notice of intent to submeter electricity.

Substance of final rule: The Commission, on July 12, 2018, adopted an order approving Harmony Mills South LLC's notice of intent to submeter electricity at 90 State Street, Albany, New York, located in the service territory of Niagara Mohawk Power Corporation d/b/a National Grid, 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.

(18-E-0136SA1)

NOTICE OF ADOPTION

Terms of a Water Service Agreement and Waiver of Tariff Provisions

I.D. No. PSC-14-18-00004-A

Filing Date: 2018-07-18

Effective Date: 2018-07-18

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

Action taken: On 7/12/18, the PSC adopted an order approving the terms and conditions of the Agreement for the Provision of Water Service between Saratoga Water Services Inc. and Saratoga Blvd. Apartments, Inc. and a waiver of tariff provisions.

Statutory authority: Public Service Law, sections 4(1), 89-b and 89-c

Subject: Terms of a water service agreement and waiver of tariff provisions.

Purpose: To approve the terms and conditions of the Agreement for the Provision of Water Service and a waiver of tariff provisions.

Substance of final rule: The Commission, on July 12, 2018, adopted an order approving the terms and conditions of the Agreement for the Provision of Water Service, dated June 5, 2014 by and between Saratoga Water Services Inc. and Saratoga Blvd. Apartments, Inc. as they are reasonable and in the public interest and the waiver of tariff provisions: Sections XI (1) and XIII, on Leaves 44 and 45 of Saratoga Water Services, Inc.'s tariff (PSC No. 3 – Water) and 16 NYCRR §§ 501.2, 501.3, 501.4, 501.6, 501.9, and 502.3, 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-W-0220SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Request of the New York Independent System Operator, Inc. to Incur Indebtedness

I.D. No. PSC-32-18-00012-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 petition filed on July 13, 2018, by the New York Independent System Operator, Inc. (NYISO), to incur indebtedness for a term in excess of 12 months.

Statutory authority: Public Service Law, sections 2(12), (13), 4(1), 5(2), 65(1), 66(1), (2), (4), (5) and 69

Subject: Request of the New York Independent System Operator, Inc. to incur indebtedness.

Purpose: To ensure that debt financing is used reasonably and appropriately.

Substance of proposed rule: The Public Service Commission is considering a petition filed by the New York Independent System Operator, Inc. (NYISO) on July 13, 2018, seeking approval to incur indebtedness, for a term in excess of twelve months. The petition seeks to: (i) extend the term of its currently-approved \$30 million credit facility dedicated to funding

the multi-year project for replacing NYISO's Energy Management System and Business Management System for a maximum of an additional one-year period until December 31, 2019, with all other terms and conditions remaining the same; (ii) replace its expiring revolving credit facility with a new five-year revolving line of credit of up to \$30,000,000 with an additional \$20,000,000 available under the loan agreement upon the NYISO's request ("Accordion Feature"); and, (iii) replace its expiring term loan with a new five-year unsecured term loan facility of a maximum, aggregate principal amount of \$90,000,000 dedicated to funding capital investments, software development projects, and other strategic initiatives. The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, modify, or reject, in whole or in part, the action proposed and may resolve related matters.

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

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

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

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

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

(18-E-0439SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Energy Efficiency Programs and Targets for Investor-Owned Utilities

I.D. No. PSC-32-18-00013-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 the actions necessary to continue and expand the efforts of New York's investor-owned utilities to encourage the delivery and procurement of energy efficiency services, including the proposals in New Efficiency: New York.

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

Subject: Energy efficiency programs and targets for investor-owned utilities.

Purpose: To encourage energy conservation and the delivery and procurement of energy services by investor-owned utilities.

Substance of proposed rule: The Public Service Commission (Commission) is considering the actions necessary to continue and expand the efforts of New York's investor-owned utilities to encourage the delivery and procurement of energy efficiency services in New York's buildings and the industrial sector. This includes, in part, consideration of Commission jurisdictional components of "New Efficiency: New York" whitepaper (the Whitepaper) filed by the New York State Department of Public Service (DPS staff) and the New York State Energy Research and Development Authority on April 26, 2018. The Whitepaper, which identifies a portfolio of New York State actions and recommendations that could be deployed to achieve the statewide 2025 energy efficiency target of 185 trillion British thermal units (Tbtu) of cumulative annual site energy savings relative to forecasted energy consumption in 2025. The Commission is considering increasing the scale of utility energy efficiency portfolio funding and targets to achieve at least 77 Tbtu of cumulative annual energy efficiency savings in 2025. 1) Portfolio Mix Criteria – To achieve this level of savings, the Commission is considering identifying energy efficiency portfolio criteria or requirements to establish the right balance of cost-effective and market-responsive approaches to set the State on a path to meet its longer-term energy and carbon goals, anticipating that both new approaches and the most cost-effective and market-responsive existing approaches will compose the portfolio and can provide tangible benefits in the near-term. The Commission is interested in developing guidelines toward achievement of a cost effective portfolio mix of utility approaches that: (1) identify and appropriately compensate for energy effi-

ciency that provides heightened locational and temporal value; (2) help achieve scale and growth of energy efficiency markets; (3) incorporate and support more comprehensive measure mixes to deliver greater and deeper energy savings; (4) enable innovative utility and third party business models that leverage partnerships, data and information, contracting mechanisms, new cost and benefit sharing models, or other approaches that demonstrate potential for reducing the costs of achieving energy savings; (5) employ business and finance models that increasingly leverage public and private dollars with multiples of private dollars; (6) includes a minimum allocation of 20% of additional levels of investment toward the low- and moderate- income sector; and (7) includes criteria and guidelines regarding the delivery of cost-effective cross-fuel programs. The Commission is interested in information on the per unit costs (i.e., \$/MMBtu) associated with individual approaches and cost reducing opportunities and potential. 2) Allocation of Target – To support the achievement of the collective investor-owned utility target of 77 TBtu of cumulative annual site energy savings relative to forecasted energy consumption in 2025, the Commission is considering approaches for allocating this target among the individual gas and electric investor-owned utilities, as well as the potential for sub-allocation guidelines. The Commission is interested in information on the factors that should be considered, including geographic equity, conditions specific to utility service territories, sector equity, the projected timing of realized savings, allocation across fuels, relative per unit costs (i.e., \$/MMBtu), and likelihood of uptake and scale, and how these factors and costs should be balanced, as it considers target allocations and associated guidelines. 3) Utility Earning Adjustment Mechanisms (EAMs) – The Commission is considering EAM structures that would reward utilities for improvement in outcomes in ways that drive more market-responsive and also innovative programs of all kinds -- from novel approaches that seek and drive new ways into the market, to deployment of new technology, to improvements in execution. The Commission is interested in identifying a select few outcome metrics that should be used as well as how higher levels of EAMs could be used in constructs that provide net benefits to ratepayers over the long term and achieve greater levels of market penetration. The full text of the “New Efficiency: New York” paper and the full record of the proceeding may be viewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed, and may resolve related matters.

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

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

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

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

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

(18-M-0084SP1)

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

Petition for Clarification and Rehearing of the Rate Order

I.D. No. PSC-32-18-00014-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 petition filed by Central Hudson Gas & Electric Corporation for clarification and rehearing of the Order Adopting Terms of Joint Proposal and Establishing Electric and Gas Rate Plan (Rate Order) issued June 14, 2018.

Statutory authority: Public Service Law, sections 5, 65 and 66

Subject: Petition for clarification and rehearing of the Rate Order.

Purpose: To encourage energy efficiency measures and right of way maintenance and to ensure just and reasonable rates.

Substance of proposed rule: The Public Service Commission is considering a petition filed by Central Hudson Gas and Electric Corporation (Central Hudson) on July 12, 2018, requesting clarification or rehearing of the June 14, 2018, Order Adopting Terms of Joint Proposal and Establish-

ing Electric and Gas Rate Plan for Central Hudson (Rate Order), issued in Cases 17-E-0459 and 17-G-0460. Among other things, Central Hudson alleges that the Rate Order is founded on errors of fact in that the Commission (1) failed to properly calculate the conversion of electric and gas energy efficiency earnings adjustment mechanism savings targets from net to gross savings and (2) inadvertently used the word “distribution” when it should have used the word “transmission.” The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. Upon conducting its evaluation of the petition, the Commission may reaffirm its initial decision or adhere to it with additional rationale in denying the petition, modify or reverse the decision in granting the petition in whole or in part, or take such other or further action as it deems necessary with respect to the petition. However, the Commission will limit its review to the issues raised by the above-referenced petition.

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

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

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

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

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

(17-E-0459SP2)

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

Establishment of the Regulatory Regime Applicable to an Approximately 126 MW Wind Electric Generating Facility

I.D. No. PSC-32-18-00015-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 Cassadaga Wind LLC for approval of a lightened regulatory regime regarding a 126 MW wind electric generating facility in Chautauqua County, New York.

Statutory authority: Public Service Law, sections 2(12), (13), (22), 5(1)(b), 64-69, 69-a, 70-72, 72-a, 78, 79, 105-114, 114-a, 115, 117, 118, 119-b and 119-c

Subject: Establishment of the regulatory regime applicable to an approximately 126 MW wind electric generating facility.

Purpose: To ensure appropriate regulation of a new electric corporation.

Substance of proposed rule: The New York State Public Service Commission (Commission) is considering a petition filed by Cassadaga Wind LLC (Cassadaga) on July 9, 2018 requesting approval of a lightened regulatory regime in connection with the approximately 126 MW wind electric generating facility that Cassadaga is developing in Chautauqua County, New York. Cassadaga requests an order providing that it will be regulated as an electric corporation under a lightened regulatory regime consistent with that imposed on the owners-operators of other competitive wholesale generators. The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

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

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

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

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

(18-E-0399SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Transfer of Assets, Rate Recovery of the Costs of Those Assets, and Lightened Ratemaking Regulatory Regime

I.D. No. PSC-32-18-00016-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 joint petition of EmKey Transportation, Inc. and the City of Jamestown Board of Public Utilities to transfer pipeline facilities from EmKey to the City of Jamestown Board of Public Utilities and for lightened regulation.

Statutory authority: Public Service Law, sections 2(10)-(13), 5(1)(b), 64-69, 70-72, 72-a, 105-114, 114-a, 115, 117, 118, 119-b and 119-c

Subject: Transfer of assets, rate recovery of the costs of those assets, and lightened ratemaking regulatory regime.

Purpose: To ensure safety and reliability, just and reasonable rates and appropriate regulation.

Substance of proposed rule: The Public Service Commission is considering a joint petition (Petition) filed by EmKey Transportation, Inc. (EmKey) and the City of Jamestown Board of Public Utilities (Board) on July 10, 2018, seeking authorization to transfer certain pipeline facilities and approval of a lightened ratemaking regulatory regime for the Board, with regard to its proposed ownership and operation of the pipeline facilities. Specifically, the petition seeks authority for EmKey to sell to the Board certain pipeline and related facilities used to deliver gas from Mayville to the Board's electric generating facility (Mayville Line). The petition states that the Board does not transport, distribute, deliver or sell gas to any customers, but rather will use the facilities solely to supply natural gas to its own gas-fired generating facilities. The petition also requests that the Commission approve the Board's proposed accounting and rate treatment for the transaction and find that the Board will be subject to lightened ratemaking regulation in relation to its ownership and operation of the Mayville Line, so long as it does not use the Mayville Line to serve any customers. The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

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

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

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

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

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

(18-M-0401SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Rules for Value Stack Compensation of Hybrid Storage and Distributed Generation

I.D. No. PSC-32-18-00017-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 Joint Utilities' Proposed Model Tariff for Compensation of a Hybrid Energy Storage System and Distributed Generation System, which proposes rules consistent with VDER for the compensation of such systems.

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

Subject: Rules for Value Stack compensation of hybrid storage and distributed generation.

Purpose: To ensure just and reasonable rates, including compensation, for distributed energy resources.

Substance of proposed rule: The Public Service Commission is considering the Joint Utilities' Proposed Model Tariff for Compensation of a Hybrid Energy Storage System and Distributed Generation System (Model Tariff), filed by the Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation (collectively, the Joint Utilities) on June 19, 2018. The Model Tariff describes proposed compensation rules for projects interconnected behind a distribution utility meter that include a Value of Distributed Energy Resources (VDER)-eligible distributed generation system and an energy storage system, based on the VDER compensation rules and principles determined by the Commission in the March 9, 2017 Order on Net Energy Metering Transition, Phase One of Value of Distributed Energy Resources, and Related Matters and the September 14, 2017 Order on Phase One Value of Distributed Energy Resources Implementation Proposals, Cost Mitigation Issues, and Related Matters. The full text of the Model Tariff and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

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

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

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

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

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

(15-E-0751SP16)

Urban Development Corporation

EMERGENCY RULE MAKING

Life Sciences Initiative Program

I.D. No. UDC-32-18-00011-E

Filing No. 684

Filing Date: 2018-07-23

Effective Date: 2018-07-23

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

Action taken: Addition of Part 4255 to Title 21 NYCRR.

Statutory authority: Urban Development Corporation Act, sections 5(4), 9-c and 16-aa; L. 2017, ch. 58, part TT

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

Specific reasons underlying the finding of necessity: Regulatory action is needed immediately to implement the statutory changes contained in Part TT of Chapter 58 of the Laws of 2017. The emergency rule implements the Capital Assistance component of the Life Sciences Initiative Program as well as the second component of the Program, the New York Fund for Innovation in Research and Scientific Talent ("NYFIRST") Program.

The Capital Assistance component is designed to attract new life sciences technologies to New York State, promote critical public and private sector investment in emerging life sciences fields in New York State and create and expand life sciences related businesses and employment. It also

includes securing established accelerator firms to facilitate the creation and implementation of a statewide Bio-accelerator initiative. The Bio-accelerator will provide scientists with entrepreneurial training, access to venture capital and a network of mentors to help expedite the translation of their scientific insights into commercially viable products. In addition, the Capital Assistance program allows for the establishment of a collaboration among three upstate research institutions to accelerate the pathway from discovery research to commercialization.

NYFIRST is intended to encourage the recruitment and retention of exceptional life science researchers and world-class talent at the state's medical schools to accelerate translational research by supporting the establishment or upgrading of their laboratories.

The rule creates the administrative procedures of the program. It is critical to implement this program immediately because life science companies interested in locating or expanding their activities in New York state are approaching UDC in an effort to access funding for their proposed projects. By waiting for the standard rulemaking process to unfold, the State risks losing important economic development opportunities to states with competing life sciences incentive programs.

Subject: Life Sciences Initiative Program.

Purpose: Implement Capital Assistance and NYFIRST components of the Life Sciences Initiatives program.

Substance of emergency rule (Full text is posted at the following State website: www.esd.ny.gov): 21 NYCRR Part 4255 is hereby created and summarized as follows:

21 NYCRR Part 4255 begins by summarizing the purpose of the Life Sciences Initiative, namely to nurture, grow and retain new life sciences companies in New York State, attract existing companies from outside New York State, promote critical public and private sector investment in emerging life sciences fields in the State, and create and expand life sciences related businesses and employment.

Next, the regulation explains that the Initiative currently has two components – 1) the Capital Assistance component which endeavors to attract new life sciences technologies to the State, promote critical public and private sector investment in emerging life sciences fields in New York and create and expand life sciences related businesses and employment throughout the State; and 2) the New York Fund for Innovation in Research and Scientific Talent (“NYFIRST”) which is intended to encourage the recruitment and retention of exceptional life science researchers and world-class talent at the State's medical schools to accelerate translational research by supporting the establishment or upgrading of their laboratories.

The regulation then (in 21 NYCRR 4255.2) begins by establishing relevant definitions for the first component, the Capital Assistance program. Key definitions include “life science entity” and “life science economic development benefits.”

The regulation next clarifies that the Capital Assistance component makes available financial assistance in the form of grants or loans, or a combination of such assistance, or contracts for services in the Corporation's discretion, for use by life sciences entities for eligible uses.

Next, the application process is described in detail. Importantly, applications may include a request for funding for single or multiple life sciences projects or activities. The Corporation may issue a request for proposals for contracts for services in lieu of an application where it deems it appropriate.

Next, the Corporation's evaluation process for the Capital Assistance component of the Program is described in detail. It includes a review (1) of the financial condition of the entity undertaking the project, including its profitability or potential to generate profits; liquidity; ability to service debt and its leverage ratio; (2) of the management experience, ability and relevant knowledge and the relevant entity's general ability to carry out the project; (3) of satisfactory credit references; (4) of the absence of state or local tax judgments (5) of whether the applicant clearly demonstrates how the proposal will result in life sciences economic development benefits and the likelihood that the project will result in life sciences economic development benefits to the State; (6) of the availability of other sources of funding, including offers of assistance from locations outside of the State, including the federal government, and the amount of private financing leveraged by Program funds; and (7) whether there is any other economic development assistance available as an incentive for the location of the proposed project outside the State.

The regulation then covers eligible uses of the Capital Assistance Component which include: new construction, renovation or leasehold improvements; the acquisition or leasing of land, buildings, machinery and equipment; working capital, including, without limitation, workforce development; feasibility or planning studies related to the development of commercial life sciences in the State; and contracts for services to support New York life sciences' ecosystem.

In contrast, institutions that are exclusively health care providers and/or requests for the purchase of equipment associated with standard healthcare delivery are not eligible for Capital Assistance Program funding.

The first half of the regulation concludes by discussing the reporting requirements for applicants. It requires the submission of an annual report satisfactory to the Corporation on the operation and accomplishments of the project including, without limitation, a description of the activities undertaken, the economic impact of the project, the number and amount of other sources of funding for the project including federal funds, jobs employing full time permanent employees created and retained, and the average salary of such jobs.

21 NYCRR 4255.3 covers the second component of the Initiative, the newly created New York Fund for Innovation in Research and Scientific Talent (“NYFIRST”) Program. It begins by describing the purpose of this component. It is intended to encourage the recruitment and retention of prominent life science researchers and world-class talent at the state's medical schools to accelerate translational research by supporting the establishment or upgrading of their laboratories. Further, the Program is intended to: (1) increase the number of patent applications and patentable discoveries at medical schools; (2) increase the number of patents licensed from these schools; and (3) increase the recruitment/retention rate of medical school faculty focused on translational research.

Next, the regulation lays out key definitions of this component including “life sciences economic development benefits” and “translational research.”

The regulation then describes the core requirements of the program. It states that the NYFIRST Program is a grant program with a maximum grant amount for any eligible project of \$1 million. It requires grantees to provide \$2 of matching funds for every \$1 of NYFIRST Program assistance. The Match the grantee provides may be cash, including federal assistance, or in-kind services. Program grant funds will be disbursed on a semiannual reimbursement basis. Grantees shall submit quarterly invoices and supporting documentation satisfactory to the Corporation, as work is performed and costs incurred.

Next, the regulation discusses eligibility criteria for the NYFIRST program. Program grants may be awarded to create new laboratory space or to upgrade existing laboratory space at recipient institutions to attract and retain principal investigator(s) to head such laboratories and engage in translational research. The Corporation will make no more than one award per applicant per year. Next, the regulation identifies specific requirements that the scientific talent recruited or retained to head these laboratories must possess including, but not limited to, a demonstrable record of translational research with clear potential for commercialization and research focusing on the development of an innovative solution for an identified healthcare-related problem, with the potential to result in significant life sciences economic development benefits in New York State.

The regulation next covers specifics of the application and the evaluation process for NYFIRST grants. The specific selection criteria are delineated in the regulation. Importantly, the Corporation intends to make Program grant awards through a competitive grant solicitation to qualifying Applicants, once annually for up to three years or until the funds under this Program are fully committed.

Eligible uses for the funds are then discussed. Program grants must be used for capital expenses directly related to the project including, but not limited to, 1) costs relating to the design, acquisition, construction, reconstruction and rehabilitation of laboratory space; 2) the purchase of equipment; and 3) other capitalizable expenses.

The regulation concludes by reminding applicants that the Corporation will establish periodic reporting requirements for Program grantees to provide information to the Corporation so that the Corporation may accomplish its statutory reporting obligations. Failure by a grantee to provide the required information in a manner that is timely and otherwise satisfactory to the Corporation may subject the grantee to full or partial recapture of their grant.

The full text of the regulations is available at: www.esd.ny.gov

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire October 20, 2018.

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

Regulatory Impact Statement STATUTORY AUTHORITY:

Part TT of Chapter 58 of the Laws of 2017 requires the New York State Urban Development Corporation (“UDC”) to establish criteria for the Life Sciences Initiatives Program via rulemaking.

LEGISLATIVE OBJECTIVES:

The rulemaking accords with the public policy objectives the Legislature sought to advance since it implements both the Capital Assistance component of the Life Sciences Initiative Program as well as the second component of the Program, the New York Fund for Innovation in Research and Scientific Talent (“NYFIRST”) Program.

NEEDS AND BENEFITS:

The Capital Assistance component is designed to attract new life sciences technologies to New York State, promote critical public and private sector investment in emerging life sciences fields in New York State and create and expand life sciences related businesses and employment. It also includes securing established accelerator firms to facilitate the creation and implementation of a statewide Bio-accelerator initiative. The Bio-accelerator will provide scientists with entrepreneurial training, access to venture capital and a network of mentors to help expedite the translation of their scientific insights into commercially viable products. In addition, the Capital Assistance program allows for the establishment of a collaboration among three upstate research institutions to accelerate the pathway from discovery research to commercialization.

In addition, NYFIRST is intended to encourage the recruitment and retention of exceptional life science researchers and world-class talent at the state's medical schools to accelerate translational research by supporting the establishment or upgrading of their laboratories.

The rule creates the administrative procedures of the Life Sciences Initiative program. It is critical to implement this program immediately because life science companies interested in locating or expanding their activities in New York state are approaching UDC in an effort to access funding for their proposed projects. By waiting for the standard rulemaking process to unfold, the State risks losing important economic development opportunities to states with competing life sciences incentive programs.

COSTS:

A. Costs to private regulated parties: None. There are no regulated parties in the Life Sciences Initiative Program, only voluntary participants.

B. Costs to the agency, the state, and local governments: UDC does not anticipate substantial extra costs associated with running the program outlined in this rulemaking. The program appropriation makes funding available for the Corporation's administrative costs. There is no additional cost to local governments.

C. Costs to the State government: The money to fund this grant program is part of the Governor's \$320 million Life Sciences Initiative passed in FY 2018 budget. The Corporation believes the costs of this program will be offset by the positive economic impact of the program.

LOCAL GOVERNMENT MANDATES:

None. Local governments are not eligible to participate in the Life Sciences Initiatives Program.

PAPERWORK:

The emergency rule will require applicants to fill out an application to participate in the Life Sciences Capital Assistance program and the NYFIRST program. These applications will require applicants to provide certain business financial information to the Corporation. In addition, the Capital Assistance component requires applicant to submit an annual report to the Corporation while the NYFIRST program requires periodic reporting as well. Under NYFIRST, quarterly invoices are required to be submitted prior to the Corporation disbursing grant payments on a semi-annual basis.

DUPLICATION:

The emergency rule conforms to provisions of section 16-aa of the New York State Urban Development Corporation Act and does not otherwise duplicate any state or federal statutes or regulations.

ALTERNATIVES:

No alternatives were considered with regard to implementing this rulemaking.

FEDERAL STANDARDS:

There are no federal standards with regard to the Life Sciences Initiatives Program. Therefore, the emergency rule does not exceed any Federal standard.

COMPLIANCE SCHEDULE:

The period of time the state needs to assure compliance is negligible.

Regulatory Flexibility Analysis

The Life Sciences Initiative is composed of the Capital Assistance Program and the New York Fund for Innovation in Research and Scientific Talent ("NYFIRST") Program which are both statewide grant programs. Although there are small businesses in New York State that are eligible to participate in the program, participation by the businesses is entirely at their discretion. The emergency rule will not have a substantial adverse economic impact on small businesses and local governments. On the contrary, because the rule creates a grant program designed to attract business and jobs to New York State, it will have a positive economic impact on the State. Accordingly, a regulatory flexibility analysis for small business and local governments is not required and one has not been prepared.

Rural Area Flexibility Analysis

The Life Sciences Initiative is composed of the Capital Assistance Program and the New York Fund for Innovation in Research and Scientific Talent ("NYFIRST") Program, both of which are statewide programs. Al-

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

Job Impact Statement

The proposed rule relates to both the Capital Assistance component and the New York Fund for Innovation in Research and Scientific Talent ("NYFIRST") component of the Life Sciences Initiative Program. This Program will enable New York State to provide financial assistance to life sciences companies that commit to create or retain jobs and/or to make significant capital investment in the State. This Program, given its design and purpose, will have a substantial positive impact on job retention and creation, and employment opportunities. Because this rule will authorize the Corporation to immediately begin offering financial incentives to life sciences businesses that commit to creating or retaining jobs, it will only have a positive impact on job and employment opportunities. Accordingly, a job impact statement is not required and one has not been prepared.

HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No.	Subject Matter	Location—Date—Time
Financial Services, Department of		
DFS-25-18-00006-P	Plan of Conversion by Medical Liability Mutual Insurance Company	Department of Financial Services, One State St., 6th Fl., New York, NY—Aug. 23, 2018, 10:00 a.m.
Liquor Authority, State		
LQR-30-18-00001-P	Bottle Club license updates	317 Lenox Ave., New York, NY—October 24, 2018, 10:00 a.m.
Public Service Commission		
PSC-30-18-00004-P	Ownership of St. Lawrence Gas Company, Inc.	Malone Middle School Auditorium, 15 Francis St., Malone, NY—August 15, 2018, 6:30 p.m.* Potsdam Civic Center Community Rm., 38 Main St., Potsdam, NY—August 16, 2018, 1:30 p.m.*

*On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 18-G-0140.

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
-----------------	---------	----------------	-------------------

AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-18-18-00003-P	05/02/19	Repeal of Part 141 of 1 NYCRR (Control of the Emerald Ash Borer)	Repealing the regulation since quarantines in the rule have not stopped the spread of this insect in New York State
AAM-18-18-00004-P	05/02/19	Milk dealer reports	To exempt milk dealers operating plants that receive 600,000 lbs. or less of milk, yearly, from having to file plant reports
AAM-21-18-00032-P	05/23/19	Incorporate by reference in 1 NYCRR the 2018 edition of National Institute of Standards and Technology ("NIST") Handbook 133	To incorporate by reference in 1 NYCRR the 2018 edition of NIST Handbook 133

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-12-18-00001-P	03/21/19	Problem Gambling Treatment and Recovery Services	Repeals existing gambling regulation; replaces with substantially updated provisions
ASA-21-18-00025-P	05/23/19	Credentialing of Addictions Professionals	Repeal obsolete rules; update process of credentialing addictions professionals
ASA-21-18-00026-P	05/23/19	Appeals, Hearings and Rulings	Protect patient confidentiality, update due process provisions, technical amendments.

AUDIT AND CONTROL, DEPARTMENT OF

AAC-06-18-00002-P	02/07/19	Update provisions relating to Employer Reporting; Service Credit Determination for certain members; and Notice of Hearings	To update language necessitated by the modernization and redesign of the retirement system's benefit administration system
AAC-21-18-00037-P	05/23/19	Adjustments to merchandise/invoice receipt dates	To correct internal regulatory inconsistencies relating to adjustments to merchandise/invoice receipt dates

CIVIL SERVICE, DEPARTMENT OF

CVS-12-18-00010-P	03/21/19	Jurisdictional Classification	To classify a position in the exempt class
-------------------	----------	-------------------------------	--

Action Pending Index**NYS Register/August 8, 2018**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-12-18-00012-P	03/21/19	Jurisdictional Classification	To classify a subheading and a position in the non-competitive class
CVS-12-18-00015-P	03/21/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-12-18-00020-P	03/21/19	Jurisdictional Classification	To delete subheading & positions from; to add heading, subheading & positions in exempt and non-competitive classes
CVS-12-18-00021-P	03/21/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-12-18-00022-P	03/21/19	Jurisdictional Classification	To delete positions in the exempt class and the non-competitive class
CVS-12-18-00023-P	03/21/19	Jurisdictional Classification	To delete positions in the non-competitive class
CVS-12-18-00024-P	03/21/19	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-12-18-00025-P	03/21/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-12-18-00026-P	03/21/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-12-18-00027-P	03/21/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-12-18-00028-P	03/21/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-12-18-00029-P	03/21/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-12-18-00030-P	03/21/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-12-18-00031-P	03/21/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-12-18-00032-P	03/21/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-12-18-00033-P	03/21/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-12-18-00034-P	03/21/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-12-18-00035-P	03/21/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-12-18-00036-P	03/21/19	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-12-18-00037-P	03/21/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-12-18-00038-P	03/21/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-12-18-00039-P	03/21/19	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-12-18-00040-P	03/21/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-12-18-00041-P	03/21/19	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-12-18-00042-P	03/21/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-18-00002-P	03/28/19	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-13-18-00003-P	03/28/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-18-00004-P	03/28/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-18-00005-P	03/28/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-18-00006-P	03/28/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-18-00007-P	03/28/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-18-00008-P	03/28/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-18-00009-P	03/28/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-15-18-00001-P	04/11/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-15-18-00002-P	04/11/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-15-18-00003-P	04/11/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-15-18-00004-P	04/11/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-15-18-00005-P	04/11/19	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-15-18-00006-P	04/11/19	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-21-18-00001-P	05/23/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-21-18-00002-P	05/23/19	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class.
CVS-21-18-00003-P	05/23/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-21-18-00004-P	05/23/19	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-21-18-00005-P	05/23/19	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-21-18-00006-P	05/23/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-21-18-00007-P	05/23/19	Jurisdictional Classification	To delete positions from the exempt class
CVS-21-18-00008-P	05/23/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-21-18-00009-P	05/23/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-21-18-00010-P	05/23/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-21-18-00011-P	05/23/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-21-18-00012-P	05/23/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-21-18-00013-P	05/23/19	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-21-18-00014-P	05/23/19	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes
CVS-21-18-00015-P	05/23/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-21-18-00016-P	05/23/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-21-18-00017-P	05/23/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-21-18-00018-P	05/23/19	Jurisdictional Classification	To delete positions from the exempt class
CVS-21-18-00019-P	05/23/19	Jurisdictional Classification	To classify positions in the exempt class and to delete positions from the non-competitive class
CVS-21-18-00020-P	05/23/19	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-21-18-00021-P	05/23/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-21-18-00022-P	05/23/19	Jurisdictional Classification	To delete positions from and classify positions in the exempt class and to delete a position from the non-competitive class
CVS-21-18-00023-P	05/23/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-21-18-00024-P	05/23/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-23-18-00002-P	06/06/19	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2018
CVS-24-18-00001-P	06/13/19	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-24-18-00002-P	06/13/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-24-18-00003-P	06/13/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-24-18-00004-P	06/13/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-24-18-00005-P	06/13/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-18-00006-P	06/13/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-18-00007-P	06/13/19	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-24-18-00008-P	06/13/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-29-18-00001-P	07/18/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-18-00002-P	07/18/19	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-29-18-00003-P	07/18/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-18-00004-P	07/18/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-29-18-00005-P	07/18/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-18-00006-P	07/18/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-18-00007-P	07/18/19	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-RP	11/01/18	Inmate confinement and deprivation	Require local correctional facilities to record, review and report inmate cell confinement and essential service deprivation
CMC-27-18-00002-P	07/03/19	Specialized secure juvenile detention facilities for older youth (SSDs)	To enact minimum standards and regulations for the management of SSDs
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-25-18-00002-P	06/20/19	Inmate Grievance Program Modification Plan	Assist facilities specifically approved by the Director, Inmate Grievance Plan in implementing the program at those facilities
CCS-26-18-00004-P	06/27/19	Double-cell housing in correctional facilities	The rule is to provide protocols for the management of double-cell housing. The amendments are virtually all cosmetic

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-32-18-00004-P	08/08/19	New Rule 359: Role of Probation in Youth Part of Superior Court	Update job specifications and required knowledge, skills, and abilities for probation professionals employed by localities.
CJS-32-18-00005-P	08/08/19	Case Record Management	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00006-P	08/08/19	Investigations and Reports	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00007-P	08/08/19	Probation Supervision	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00008-P	08/08/19	Graduated Sanctions and Violations of Probation, retitled to: Graduated Responses	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00009-P	08/08/19	Preliminary Procedure for Article 3 JD Intake, retitled to: Probation Services for Article 3 Juvenile Delinquency(JD)	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00010-P	08/08/19	New Rule 359: Role of Probation in Youth Part of Superior Court	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.

EDUCATION DEPARTMENT

EDU-03-18-00001-ERP	01/17/19	180 Day Requirement for State Aid purposes	To clarify the requirement for 180 days of instruction for State aid purposes
EDU-13-18-00027-P	03/28/19	Teacher Certification in Health Education	Creation of a Transitional K Certificate for Certain New York State Licensed Health Professionals to Teach Health Education
EDU-19-18-00006-ERP	05/09/19	The implementation of New York's approved ESSA plan to comply with the provisions of the Every Student Succeeds Act	To implement New York's approved ESSA plan and to comply with the provisions of the Every Student Succeeds Act
EDU-21-18-00039-EP	05/23/19	Reports of Incidents of Harassment, Bullying and/or Discrimination Pursuant to the Dignity for All Students Act (DASA)	To provide illustrative examples to the field to aid in the continued implementation of DASA
EDU-21-18-00040-P	05/23/19	Allow Individuals Completing a Program Accredited by the American Speech, Language, and Hearing Association (ASHA) to Obtain an	Allow individuals completing a program accredited by ASHA to obtain an initial certificate in speech language disabilities
EDU-21-18-00048-P	05/23/19	Voluntary Institutional Accreditation for Title IV Purposes	To establish a fee structure for institutional accreditation by the Board of Regents and Commissioner of Education
EDU-26-18-00005-EP	06/27/19	Reinstatement of the Educational Technology Specialist Content Specialty Test Safety Net for Candidates Seeking Certification	To allow candidates to take either the redeveloped CST or the predecessor CST
EDU-26-18-00006-P	06/27/19	Readers aid Program	To implement Chapter 350 of the Laws of 2017

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-26-18-00007-EP	06/27/19	Reinstatement of the Educational Technology Specialist Content Specialty Test Safety Net for Candidates Seeking Certification	To allow candidates to take either the redeveloped CST or the predecessor CST
EDU-26-18-00008-EP	06/27/19	Advanced Home Health Aides	To implement the provisions of P chapter 471 of the Laws of 2016
EDU-26-18-00009-EP	06/27/19	The administration of certain vaccines by pharmacists	To implement the provisions of Part DD of chapter 57 of the Laws of 2018
ELECTIONS, STATE BOARD OF			
SBE-18-18-00007-P	05/02/19	Standardizes subpoena requests and requires reporting of enforcement activity	Provides procedures related to the SBOE's subpoena authority and requires reporting of the SBOE's enforcement activity
SBE-21-18-00047-P	05/23/19	Implementation of the Democracy Protection Act	The rule effectuates the amendments to article 14 of the Election Law resulting from chapter 59 of the Laws of 2018
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-12-18-00043-P	06/07/19	BEACH Act Standards and Reclassification Rule	To comply with the federal BEACH Act of 2000 (P.L. 106-284) and protect coastal recreation waters for recreation
ENV-16-18-00003-EP	04/18/19	Regulations governing the recreational and commercial fishing of Tautog (blackfish)	To revise regulations concerning the recreational and commercial harvest of Tautog in New York State
ENV-16-18-00004-EP	04/18/19	Regulations governing the recreational fishing of scup and summer flounder (fluke)	To revise regulations concerning the recreational harvest of scup and summer flounder in New York State
ENV-20-18-00003-EP	05/16/19	Regulations governing the harvest of lobster	To repeal the most restrictive rule as it applies to closed seasons for lobster harvest
ENV-20-18-00006-P	07/24/19	CO2 Emissions Standards for Major Electric Generating Facilities	To establish CO2 emissions standards for existing major electric generating facilities
ENV-20-18-00007-P	07/24/19	Repeal and replace 6 NYCRR Parts 243, 244 and 245 and amend 6 NYCRR Part 200	Parts 243, 244 and 245 set forth the process the Department will use to allocate allowances under EPA's CSAPR Trading Programs
ENV-21-18-00028-P	05/23/19	Sanitary Condition of Shellfish Lands	To reclassify underwater shellfish lands to protect public health
ENV-21-18-00029-P	05/23/19	Northern Catskill Riparian Areas	To ensure public safety and protect natural resources on the Northern Catskill Riparian Areas
ENV-28-18-00001-EP	07/11/19	Regulations governing the recreational fishing of black sea bass	To revise regulations concerning the recreational harvest of black sea bass in New York State
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-18-17-00020-ERP	08/01/18	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-ERP	09/19/18	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-22-18-00002-EP	05/30/19	Supplementary Uninsured/Underinsured Motorists Insurance	To conform 11 NYCRR 60-2 to new Insurance Law Section 3420(f)(2-a)
DFS-23-18-00001-P	06/06/19	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To require coverage for maternal screening and referrals
DFS-25-18-00005-EP	06/20/19	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To establish minimum requirements for policies of volunteer firefighter enhanced cancer insurance
DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-26-18-00002-EP	06/27/19	Charges for Professional Health Services	To delay the effective date of the Workers' Compensation fee schedule increases for no-fault reimbursement
DFS-30-18-00007-P	07/25/19	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To clarify requirements regarding coverage and disclosure of information for contraceptives
GAMING COMMISSION, NEW YORK STATE			
SGC-09-18-00005-P	02/28/19	The licensing and registration of gaming facility employees and vendors	To govern the licensing and registration of gaming facility employees and vendors
SGC-17-18-00002-P	04/25/19	Regulation of courier services that purchase and claim certain Lottery tickets and prizes as agents for customers	To license courier services to facilitate the sale of Lottery tickets to generate more revenue for education
SGC-32-18-00002-P	08/08/19	Blazing 7s Progressive Wager	To set forth the practices and procedures for the operation of Blazing 7s Progressive Wager as a casino table game.
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-28-17-00009-RP	11/15/18	Early Intervention Program	To conform existing program regulations to federal regulations and state statute
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
HLT-04-18-00010-P	01/24/19	Emergency Medical Services (EMS) Initial Certification Eligibility Requirements	To reduce the EMS certification eligibility minimum age from 18 to 17 years of age

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-07-18-00002-P	02/14/19	Medicaid Reimbursement of Nursing Facility Reserved Bed Days for Hospitalizations	To make changes relating to reserved bed payments made by Medicaid to nursing facilities
HLT-22-18-00010-P	05/30/19	Criminal History Record Checks and Advanced Home Health Aides	This rule will implement statutory changes related to criminal history records checks and advanced home health aides
HLT-25-18-00003-P	06/20/19	Medical Staff – Sepsis Protocols	Update definitions & guidelines of sepsis & associated protocols for treatment to align with the latest evidence-based practices
HLT-25-18-00008-P	06/20/19	Inpatient Psychiatric Services	To enhance reimbursement mechanisms for inpatient psychiatric services
HLT-30-18-00003-P	07/25/19	Prescription Contraceptive Drugs	Allow for a written order of prescription contraceptives for family planning purposes to be filled 12 times within one year
HLT-30-18-00008-P	07/25/19	Voluntary Foster Care Agency Health Facility Licensure	To license Voluntary Foster Care Agencies to provide limited health-related services
HLT-31-18-00004-P	08/01/19	Newborn Screening for Phenylketonuria and Other Diseases	To support timely collection and submission of specimens for the detection of diseases in newborn infants in New York State
HLT-31-18-00005-EP	08/01/19	Medical Use of Marihuana	To add additional serious conditions for which patients may be certified to use medical marihuana
HOMELAND SECURITY AND EMERGENCY SERVICES, DIVISION OF			
HES-25-18-00001-EP	06/20/19	New York State Volunteer Firefighter Enhanced Cancer Disability Benefits Program	Establish claims process for eligible volunteer firefighters with certain cancers to receive disability and death benefits
JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL NEEDS			
JCP-09-18-00014-P	02/28/19	Criminal History Information Checks	To clarify language in the rule and make technical corrections
JCP-31-18-00008-P	08/01/19	Protocols for interviewing service recipients	To ensure interviews of service recipients during investigations are conducted in a safe and sensitive manner.
JCP-31-18-00015-P	08/01/19	Procedures of the Surrogate Decision-Making Committee	To set forth uniform procedures for the surrogate decision-making committee
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
LAB-17-18-00005-P	07/11/19	Hours Worked, 24-Hour Shifts	To clarify that hours worked may exclude meal periods and sleep times for employees who work shifts of 24 hours or more

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LIQUOR AUTHORITY, STATE			
LQR-07-18-00011-P	04/18/19	Municipal notification requirements for Temporary Beer and Wine Permit as well as Catering Permit applications for large events	To establish municipal notification for Temporary Beer and Wine Permit as well as Catering Permit applications for large events
LQR-30-18-00001-P	10/24/19	Bottle Club license updates	To update outdated Bottle Club license requirements and procedures
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
LPA-15-18-00011-P	exempt	The Authority's discounts for low-income customers	To improve the Authority's discounts for low-income customers
LPA-15-18-00012-P	exempt	A new time-of-use pilot rate option for residential customers	To update the Authority's Tariff to offer a new pilot residential time-of-use rate option
LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
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
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-51-17-00006-ERP	12/20/18	Site Based and Community Based Prevocational Services	To clarify site-based and community-based services and clarify reimbursement requirements
PDD-07-18-00001-ERP	02/14/19	Enrollment in Medicare Prescription Drug Plans and Fully Integrated Duals Advantage Plans for IDD	To allow individuals to be enrolled in a FIDA-IDD plan when individuals are unable to enroll themselves
PDD-17-18-00001-EP	04/25/19	Care Coordination Organizations	To allow individuals to be enrolled in a CCO when individuals are unable to enroll themselves
PDD-21-18-00046-P	05/23/19	Certificate of Incorporation	Remove a requirement for certificate holders that is no longer required under Mental Hygiene Law 16.07
PDD-24-18-00012-EP	06/13/19	Respite Services	To remove language that conflicts with respite services related to the new 1115 waiver

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-26-18-00003-EP	06/27/19	Eligibility of Services	The eligibility for individuals applying for OPWDD authorized services
PDD-32-18-00003-EP	08/08/19	Telehealth	To authorize telehealth as a new modality for the delivery of clinical services.
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway

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

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

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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-15-00009-P	..... exempt	Approval of a surcharge.	To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge.
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00010-P	..... exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00024-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-14-17-00017-P	..... exempt	Petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.	To consider the petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-23-17-00022-P	..... exempt	Changes in regulation of ESCOs, including restrictions on or prohibitions of marketing or offering certain products or services.	To ensure consumer protection for ESCO customers.
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-24-17-00014-P	..... exempt	An alternative methodology for calculating billing adjustments.	To consider an alternative methodology for calculating billing adjustments.
*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-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-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-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-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-34-17-00017-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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
PSC-37-17-00006-P	..... exempt	Petition to submeter electricity.	To consider the petition of ACC OP (Park Point SU) LLC to submeter electricity at 417 Comstock Avenue, Syracuse, New York.
PSC-39-17-00009-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-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
PSC-40-17-00006-P	..... exempt	The aggregation of electric service for the Empire State Plaza and the Sheridan Avenue Steam Plant	To consider a waiver of National Grid's tariff provision requiring all electric delivery points to be on the same premises
PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
PSC-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-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
PSC-50-17-00022-P	..... exempt	Data protection rules for DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
PSC-51-17-00007-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.
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-51-17-00011-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-51-17-00015-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-04-18-00003-P	..... exempt	Minor rate filing.	To consider a proposal for an increase in total annual revenues of approximately \$136,634, or 11.4%.
PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/ Morgan Gates Circle LLC to submeter electricity.
PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-05-18-00005-P	..... exempt	Distributed Generation (DG), Natural Gas Vehicle (NGV) and Prime-WNY Pilot Programs.	To consider to make permanent the DG and NGV Pilot Programs and continue the Prime-WNY Pilot Program with modifications.
PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
PSC-06-18-00013-P	..... exempt	Proposed sale of property from Con Edison to 500 Kent LLC	To consider Con Edison and 500 Kent LLC's joint petition for a proposed sale of property
PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
PSC-07-18-00016-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Silo Ridge Condo Association to submeter electricity.
PSC-09-18-00010-P	..... exempt	Use of the Itron OpenWay Riva CENTRON Polyphase CP2SRA electric meter	To ensure that consumers bills are based on accurate measurements of electric usage
PSC-09-18-00013-P	..... exempt	Proposed use of electronic signatures for Deferred Payment Agreements	To make it easier for customers to obtain Deferred Payment Agreements
PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
PSC-12-18-00007-P	..... exempt	Minor rate filing	To consider an increase in annual water revenues by approximately \$30,487 or 189%
PSC-13-18-00014-P	..... exempt	Commission oversight of distributed energy resource suppliers	To protect customers and utilities in the receipt of services from distributed energy resource suppliers
PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
PSC-13-18-00016-P	..... exempt	Electronic Deferred Payment Agreements (DPA).	To consider a proposal to implement Electronic DPAs.
PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-14-18-00005-P	..... exempt	Transfer of certain street lighting facilities	To consider the transfer of certain street lighting facilities located in the Chautauqua Utility District
PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
PSC-15-18-00008-P	..... exempt	Amendments to the Uniform Business Practices.	Consideration of revised consumer protections and business practices of energy service companies.
PSC-16-18-00007-P	..... exempt	Regulatory treatment of utilities regarding recent changes in federal tax law	To ensure just and reasonable utility rates
PSC-17-18-00009-P	..... exempt	Petition to submeter electricity.	To consider the petition of Harmony Mills Fallsview LLC to submeter electricity.
PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-17-18-00012-P	..... exempt	Residential Electric Vehicle Charging.	To effectuate service enhancements mandated by State Legislation.
PSC-17-18-00013-P	..... exempt	Residential Electric Vehicle Charging.	To effectuate service enhancements mandated by State Legislation.
PSC-17-18-00014-P	..... exempt	Residential Electric Vehicle Charging.	To effectuate service enhancements mandated by State Legislation.
PSC-18-18-00008-P	..... exempt	Residential Electric Vehicle Charging	To effectuate service enhancements mandated by State Legislation
PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
PSC-18-18-00010-P	..... exempt	Waiver of PSC regulations, 16 NYCRR Sections 86.3(a)(1), (a)(2), (b)(2), 86.4(b) and 88.4(a)(4)	To ensure that adequate maps and system studies support the application
PSC-18-18-00011-P	..... exempt	Residential Electric Vehicle Charging	To effectuate service enhancements mandated by State Legislation
PSC-18-18-00012-P	..... exempt	Residential Electric Vehicle Charging	To effectuate service enhancements mandated by State Legislation
PSC-18-18-00013-P	..... exempt	Motion requesting program eligibility clarification and to make clarifying edits related to Case 16-E-0060 and Rider Q	To test standby rate designs to facilitate distributed generation growth
PSC-19-18-00005-P	..... exempt	Whether Flanders' can market to and enroll new customers.	To protect customers by enforcing compliance with the Uniform Business Practices.
PSC-20-18-00008-P	..... exempt	Proposed major rate increase in O&R's gas delivery revenues of approximately \$4.5 million (or 1.5% in total revenues)	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-20-18-00009-P	..... exempt	Proposed major rate increase in O&R's electric delivery revenues of approximately \$20.3 million (or 2.3% in total revenues)	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-21-18-00033-P	..... exempt	Property tax expenses and refunds of over-collections for such expenses.	To ensure just and reasonable rates.
PSC-21-18-00041-P	..... exempt	Con Edison's petition for the Smart Solutions for Natural Gas DR Pilot Implementation Plan and associated budget.	To promote gas system reliability by encouraging gas demand reductions during peak gas demand days.
PSC-21-18-00042-P	..... exempt	Establish new SC No. 7 - High Density Loads Individual Negotiated Contract.	To ensure that high density load customers receive cost-based rates that do not provide an undue preference.
PSC-21-18-00043-P	..... exempt	Intent to submeter electricity at 98 Front Street, Brooklyn, New York.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-18-00044-P	..... exempt	Electric ratemaking policy for Direct Current Fast Charging (DCFC) facilities used to recharge electric vehicles.	To ensure just and reasonable rates in the context of charging electric vehicles.
PSC-21-18-00045-P	..... exempt	Waiver of PSC regulations, 16 NYCRR Sections 86.3(a)(1), (a)(2), (b)(1), (b)(2), 86.6, 86.10 and 88.4(a)(4).	To ensure application to amend certificate issued under PSL Article VII contains sufficient information for review to proceed.
PSC-22-18-00005-P	..... exempt	Use of unspent funds previously allocated to the NY-Sun Initiative for years 2014 and 2015	To efficiently encourage the preservation of environmental values and the conservation of natural resources
PSC-22-18-00006-P	..... exempt	Intent to submeter electricity and requested waiver of the energy audit requirement	To ensure adequate submetering equipment, consumer protections, and energy efficiency protections are in place
PSC-22-18-00007-P	..... exempt	Intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-22-18-00008-P	..... exempt	Intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-22-18-00009-P	..... exempt	Expand the SmartCharge New York Program to include medium-duty and heavy-duty electric vehicles	To ensure just and reasonable rates in the context of charging electric vehicles, including incentivizing off-peak charging
PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspiry for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
PSC-23-18-00007-P	..... exempt	Eligibility for Value Stack compensation.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-23-18-00008-P	..... exempt	Issuance of promissory notes and the assumption of the costs and benefits of certain derivative instruments.	To refund/refinance debt at a lower rate and provide funding for safety and reliability capital projects to benefit customers.
PSC-23-18-00009-P	..... exempt	Treatment of Value Stack credits.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-23-18-00010-P	..... exempt	Community Distributed Generation project rules.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-23-18-00011-P	..... exempt	Proposed rate filing in Hudson Valley Water Companies, Inc.'s annual revenues of approximately \$24,370 or 13.0%.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-23-18-00012-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-23-18-00013-P	..... exempt	Implementation of a uniform statewide customer satisfaction survey.	To encourage consumer protections and safe and adequate service.
PSC-23-18-00014-P	..... exempt	Proposed major rate increase of approximately \$11.7 million to cover its Franklin and St. Lawrence Counties expansion project.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-23-18-00015-P	..... exempt	Appointment of a new temporary operator of the Painted Apron Water Co.	To ensure the provision of safe and reliable water service.
PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-24-18-00014-P	..... exempt	Whether to impose consequences on BluCo for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
PSC-24-18-00015-P	..... exempt	To determine the use of investments to be made in lieu of a penalty action.	Commission oversight of electric and gas distribution companies and safe and adequate service.
PSC-24-18-00016-P	..... exempt	Use of Artech models VCE-7 and CID-17 medium voltage class metering instrument transformers.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-25-18-00007-P	..... exempt	Cost calculation, reimbursement and cost recovery related to gas delivery	To ensure just and reasonable rates associated with the local distribution companies' use of the New York Facilities System
PSC-26-18-00010-P	..... exempt	Change NFG's Tariff No. 9 and associated accounting issues related to the 2017 Tax Act.	Determine if NFG's proposal to provide a refund net of an equity ratio adjustment is appropriate.
PSC-26-18-00011-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-26-18-00012-P	..... exempt	Waiver of 5-year buildout and 7-day installation requirements pertaining to cable television franchise.	To ensure the provision of safe and adequate cable television service at competitive rates.
PSC-26-18-00013-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections.
PSC-26-18-00014-P	..... exempt	Limited waiver of unauthorized use of gas charges.	To ensure customers are charged just and reasonable rates.
PSC-26-18-00015-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections.
PSC-27-18-00005-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections
PSC-27-18-00006-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-27-18-00007-P	07/03/19	Gas safety regulations	To make the provision of natural gas service safer in New York State and comply with federal law
PSC-28-18-00004-P	exempt	The 2017 Outcome-based EAM Collaborative Report.	To ensure the establishment of fair and equitable metrics, targets and associated incentive levels.
PSC-28-18-00005-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
PSC-28-18-00006-P	exempt	Roadmap recommendations for the installation of qualified energy storage systems.	To encourage energy storage deployment and establish a 2030 target and deployment program.
PSC-28-18-00007-P	exempt	Proposed rate filing to increase annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-28-18-00008-P	exempt	The New York State Standardized Interconnection Requirements (SIR) for Small Distributed Generators.	To clarify specific elements of the revised SIR issued on April 19, 2018.
PSC-28-18-00009-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-28-18-00010-P	exempt	Transfer of utility pole ownership.	To ensure just and fair share of the cost required to install and maintain the joint use poles for both companies and customers.
PSC-28-18-00011-P	exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
PSC-28-18-00012-P	exempt	Transfer of certain street lighting facilities.	To transfer street lighting facilities for the benefit of ratepayers.
PSC-28-18-00013-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-29-18-00008-P	exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
PSC-29-18-00009-P	exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
PSC-30-18-00004-P	exempt	Ownership of St. Lawrence Gas Company, Inc.	To consider whether a proposed transfer of ownership interests in St. Lawrence Gas Company, Inc. is in the public interest.
PSC-30-18-00005-P	exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-30-18-00006-P	exempt	Petition for use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-31-18-00009-P	exempt	General Rule 20 - Standby Service Interconnection and Operation.	To provide clarity to the provisions and streamline the application process.
PSC-31-18-00010-P	exempt	Tariff amendments to Service Classification (SC) 11 and 14.	To ensure safe and reliable service for customers at just and reasonable rates.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-31-18-00011-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-31-18-00012-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-31-18-00013-P	..... exempt	To test rate structures for SC 1 and 2 that more closely align delivery rates with the cost of providing delivery service.	To provide residential and small commercial customers the opportunity to better manage their energy costs.
PSC-31-18-00014-P	..... exempt	Establish a Baseload Service under its DDS Program.	To ensure gas availability to firm gas customers during peak winter periods by establishing a baseload supply.
PSC-32-18-00012-P	..... exempt	The request of the New York Independent System Operator, Inc. to incur indebtedness.	To ensure that debt financing is used reasonably and appropriately.
PSC-32-18-00013-P	..... exempt	Energy efficiency programs and targets for investor-owned utilities.	To encourage energy conservation and the delivery and procurement of energy services by investor-owned utilities.
PSC-32-18-00014-P	..... exempt	Petition for clarification and rehearing of the Rate Order.	To encourage energy efficiency measures and right of way maintenance and to ensure just and reasonable rates.
PSC-32-18-00015-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 126 MW wind electric generating facility.	To ensure appropriate regulation of a new electric corporation.
PSC-32-18-00016-P	..... exempt	Transfer of assets, rate recovery of the costs of those assets, and lightened ratemaking regulatory regime.	To ensure safety and reliability, just and reasonable rates and appropriate regulation.
PSC-32-18-00017-P	..... exempt	Rules for Value Stack compensation of hybrid storage and distributed generation.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
STATE, DEPARTMENT OF			
DOS-20-18-00001-P	..... 07/17/19	Minimum standards for administration and enforcement of the Uniform Code and Energy Code	Requires programs for local governments administering/enforcing Uniform and Energy Codes to include provisions relating to parking garages, establish procedures for occurrences where Secretary of State and State agencies must administer/enforce Uniform Code
DOS-20-18-00002-EP	..... 07/24/19	Suspension and revocation of certifications of code enforcement personnel.	See attached "Purpose"
STATE UNIVERSITY OF NEW YORK			
SUN-23-18-00003-P	..... 06/06/19	Proposed amendments to the traffic and parking regulations at State University of New York at Potsdam	Amend existing regulations to update traffic and parking regulations
SUN-27-18-00001-P	..... 07/03/19	University Faculty Senate	To make technical, non-substantive language change and reauthorize a prior amendment of the regulations
SUN-28-18-00002-P	..... 07/11/19	State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY	To modify limitations formula for basic State financial assistance and conform to the Education Law and the 2018-19 Budget Bill

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE UNIVERSITY OF NEW YORK			
SUN-28-18-00003-P	..... 07/11/19	State University of New York Tuition and Fees Schedule	To amend the Tuition and Fees Schedule to increase tuition for students in all programs of the State University of New York
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-21-18-00031-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period July 1, 2018 through September 30, 2018
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-12-18-00004-P	..... 03/21/19	Reengagement/conciliation and sanction procedures for employment programs	To implement statutory changes relative to public assistance (PA) reengagement/conciliation and sanction procedures
TRANSPORTATION, DEPARTMENT OF			
TRN-22-18-00001-P	..... 05/30/19	Electric powered motor vehicle equipment	To repeal section 720.9
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-21-18-00038-P	..... 05/23/19	Workers' Compensation Board - Legal Internship Program	To allow a more expansive group of law school and legal interns to represent parties of interest in Board proceedings
WCB-23-18-00004-P	..... 06/06/19	Fees for Medical Testimony	To increase fees for medical testimony and eliminate fee reductions for multiple appearances as this provision is not used
WCB-23-18-00005-P	..... 06/06/19	Medical Fee Schedules	Update the fees paid for medical treatment in workers' compensation claims

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

4375 Cascade, LLC
181 Main St., Suite 100, Huntington, NY 11743
State or country in which incorporated — Georgia

Aquilo Capital, L.P.
One Letterman Dr., Suite D4900, Bldg. D, The Presidio, San Francisco, CA 94129
Partnership — Aquilo Capital Management, LLC

Bailard Real Estate Investment Trust, Inc.
950 Tower Lane, Suite 1900, Foster City, CA 94404
State or country in which incorporated — Maryland

Ballyhoo Media, Inc.
1111 Brickell Bay Dr., Suite 2302, Miami, FL 33131
State or country in which incorporated — Florida

BBH Wealth Strategies Unit Trust - Silver Point Distressed Opportunity Sub-Trust
Butterfield House, 68 Fort St., P.O. Box 2330, George Town, Grand Cayman, Cayman Islands KY1-1106
State or country in which incorporated — Cayman Islands

Bellus Ventures II LP
104 W. 40th St., 5th Fl., New York, NY 10018
Partnership — Bellus Ventures CPO LLC, general partner

Blue Sage Capital III, L.P.
c/o Blue Sage Capital, 114 W. 7th St., Suite 820, Austin, TX 78701
Partnership — Blue Sage Management III, L.P.

Buyout Core Fund VIII, L.P.
50 S. LaSalle St., Chicago, IL 60603
Partnership — 50 South Capital Advisors, LLC

BW Investors SPV I, LP
500 Fifth Ave., 41st Fl., New York, NY 10110
State or country in which incorporated — Delaware

Creador IV L.P.
IFS Court, Bank Street, TwentyEight, Cybercity, Ebene 72201 Mauritius
Partnership — Creador Management IV Ltd.

Doyle Capital, LP
125 Broemel Place, #815, Pennington, NJ 08534
Partnership — Doyle Capital Management, LLC

Drakes Landing Associates, L.P.
306 W. Francis St., Aspen, CO 81611
Partnership — JBF Capital, Inc., general partner

GS Portal Class A, LLC
Three Bethesda Metro Center, Suite 507, Bethesda, MD 20814
State or country in which incorporated — Maryland

Harspring Capital, LP
1345 Avenue of the Americas, 33rd Fl., New York, NY 10105
Partnership — Harspring Capital Advisors, LLC

HempAmericana, Inc.
78 Reade St., Suite 4FW, New York, NY 10007
State or country in which incorporated — Delaware

InfluenceInk, Inc.
1001 SW. Emkay Dr., #100, Bend, OR 97702
State or country in which incorporated — Delaware

Jetoptera, Inc.
144 Railroad Ave., Suite 100, Edmonds, WA 98020
State or country in which incorporated — Delaware

KB Minneapolis, DST
2801 N. Tenaya Way, Las Vegas, NV 89128
State or country in which incorporated — Delaware

Lapis-GP, LLC
12 Funston Ave., Suite A, San Francisco, CA 94129
State or country in which incorporated — California

Limekiln Mountain Works, Inc.
6588 Main St., Westport, NY 12993
State or country in which incorporated — New York

Luminate Capital Partners II, LP
16 Funston Ave., Presidio, San Francisco, CA 94129
Partnership — Luminate Capital Partners GP II, LP

Luminate Capital Partners II-A, LP
16 Funston Ave., Presidio, San Francisco, CA 94129
Partnership — Luminate Capital Partners GP II, LP

Mangrove Insurance Solutions, PCC
1050 Connecticut Ave. NW, Washington, DC 20036
State or country in which incorporated — District of Columbia

Maranon Centre Street Partnership, L.P.
303 W. Madison St., Suite 2500, Chicago, IL 60606
Partnership — Maranon Centre Street General Partners, L.P.

Marko Technologies Inc.
6650 SW. Redwood Lane, Suite 290, Portland, OR 97224
State or country in which incorporated — Delaware

Northwest Houston Industrial, LLC
3000 Race St., Suite 100, Fort Worth, TX 76111
State or country in which incorporated — Texas

Norwich Partners Fund XVII LLC
P.O. Box 1383, Sanibel, FL 33957
State or country in which incorporated — Delaware

Norwich Partners Fund XVIII LLC
P.O. Box 1383, Sanibel, FL 33957
State or country in which incorporated — Delaware

Norwich Partners Fund XIX LLC
P.O. Box 1383, Sanibel, FL 33957
State or country in which incorporated — Delaware

NPXE Limited
50 Cobham Dr., Orchard Park, NY 14127
State or country in which incorporated — United Kingdom

Pinnacle Capital Partners, LLC
34 Jerome Ave., Suite 220, Bloomfield, CT 06002
State or country in which incorporated — Connecticut

Pixel Velocity Incorporated
1100 Victors Way, Suite 10, Ann Arbor, MI 48108
State or country in which incorporated — Delaware

Poffit LLC
54 W. 40th St., Suite 1133, New York, NY 10018
State or country in which incorporated — Delaware

Private Equity Core Fund VIII, L.P.
50 S. LaSalle St., Chicago, IL 60603
Partnership — 50 South Capital Advisors, LLC

Private Equity Core Fund (QP) VIII, L.P.
50 S. LaSalle St., Chicago, IL 60603
Partnership — 50 South Capital Advisors, LLC

Resolution Life Group Holdings LP
20 Reid St., 3rd Fl., Williams House, P.O. Box 2460, HMJX Hamilton
HM11 Bermuda
Partnership — RLGH GP Ltd.

Stoic Point Capital Management LLC
900 Veterans Blvd., Suite 420, Redwood City, CA 94063
State or country in which incorporated — Delaware

Texas Securities, Inc.
4024 Nazarene Dr., Suite B, Carrollton, TX 75010
State or country in which incorporated — Texas

Weatherman Inc.
109 S. 5th St., Brooklyn, NY 11249
State or country in which incorporated — Delaware

Wells Fargo Investment Institute, Inc.
401 S. Tryon St., Charlotte, NC 28202
State or country in which incorporated — North Carolina

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REHABILITATE ELEVATORS

E. Roosevelt State Office Building
Poughkeepsie, Dutchess County

Sealed bids for Project Nos. 45482-C, 45482-H, 45482-P, 45482-E, 45482-U, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, Electrical Work and Elevator Work, Rehabilitate Elevators, E. Roosevelt State Office Building, 4 Burnett Blvd., Poughkeepsie (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 Office of General Services, until 2:00 p.m. on Wednesday, August 15, 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 \$34,900 for C, \$2,600 for H, \$5,800 for P, \$22,800 for E and \$26,100 for U.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C, between \$25,000 and \$50,000 for H, between \$50,000 and \$100,000 for P, between \$250,000 and \$500,000 for E and between \$500,000 and \$1,000,000 for U.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Hoffman, Carl Ruppert and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 337 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 August 3, 2018 at E. Roosevelt State Office Building, 4 Burnett Blvd., Poughkeepsie, 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 Shannon Landolfi (845) 831-3111.

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 and an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. 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

REPLACE ROOF

State Armory, Jamaica, Queens County

Sealed bids for Project No. 45536-C, for Construction Work, Replace Roof, State Armory, 93-05 168th Street, Jamaica (Queens County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, August 8, 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 \$81,300 for C.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$2,000,000 and \$3,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Hoffman, Carl Ruppert and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

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 413 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 July 26, 2018 at Jamaica Armory, 93-05 168th Street, Jamaica, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Maria Cappai, (631) 951-0248 a minimum of 24 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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

total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <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
MODULAR BUILDING
Camp Smith Training Site
Cortlandt Manor, Westchester County**

Sealed bids for Project No. 45537-C, for Construction Work, Provide Modular Building, Camp Smith Training Site, 11 Bear Mountain Bridge Road, Cortlandt Manor, (Westchester County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, August 8, 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 \$38,100 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 308 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 July 27, 2018 at Camp Smith, OGS Trailer, 11 Bear Mountain Bridge Road, Cortlandt Manor, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Arsenia Palacios, (845) 421-7650 a minimum of 24 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link for ordering and payment instructions: <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
COLLABORATION AREA
State Armory, Troy, Rensselaer County**

Sealed bids for Project Nos. 45829-C, 45829-H, 45829-E, comprising separate contracts for Construction Work, HVAC Work and Electrical Work, Provide Collaboration Area, State Armory, 137

Glenmore Road, Troy (Rensselaer County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, August 8, 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 \$16,200 for C, \$15,200 for H and \$24,300 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 \$100,000 and \$250,000 for C, between \$100,000 and \$250,000 for H and between \$250,000 and \$500,000 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>

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 220 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 July 26, 2018 at State Armory, 137 Glenmore Road, Troy, 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 Greg Haze, (518) 485-8755 a minimum of 24 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enter-

prises ("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 and an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work and an overall goal of 16% for MWBE participation, 8% for Minority-Owned Business Enterprises ("MBE") participation and 8% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. 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. Lewycky*, Deputy Director
OGS - Design & Construction Group

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

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 517-a of the Retirement and Social Security Law on or before June 30, 2018. This notice is published pursuant to Section 109 of the Retirement and Social 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.

Bartholomew, Nicole N - Brooklyn, NY
Cleary, John R - Elmira, NY
Dimino, Thomas A - Saugerties, NY
Douglas, Scott J - Batavia, NY
Galt, Adam S - Moravia, NY

Iebba, Nicolas J - Hopewell Jct, NY
Jordan, Thomas S - Hopewell Jct, NY
Moultrie, Shavon L - New York, NY
Nash, Harold C - Stormville, NY
O'Connor, Grant D - North Bangor, NY
Ojida, Jamie J - S Glens Falls, NY
Perez, Diego M - Catskill, NY
Rodriguez, Daniel J - New York, NY
Schoolcraft, Michael J - Middleport, NY
Scribner, Matthew A - Elizaville, NY
Shedd, Corey J - Oneida, NY
Wiley, Victoria A - Castleton, NY

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 June 30, 2018. 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.

Abe, Lea M - Glens Falls, NY
Adams, Gerald H - Dexter, NY
Adams, Katelyn M - Hamlin, NY
Adams, Nathan L - Albany, NY
Adams, Stephanie A - West Islip, NY
Adler, Matthieu D - Copiague, NY
Aguero, Nadina - Wappingers Falls, NY
Ahrens, Robert J - Olean, NY
Aldrich, Elizabeth K - Tuscaloosa, AL
Alexander, Alan E - Elmont, NY

Allen-Mazzatti,Susan M - Hilton, NY
 Allen,Kelly L - Derby, NY
 Anderson,Keiva - Yorktown, NY
 Anderson,Mark J - Richford, NY
 Antash,Gregory R - Mahopac, NY
 Armistead,Anna L - Yonkers, NY
 Austin,Beth T - Wilton, NY
 Baez,Carmen M - Bronx, NY
 Baeza,Angel - New Rochelle, NY
 Bailey,Melissa L - Lockport, NY
 Baran,Barbara A - Grand Island, NY
 Barker,Adam J - Winter Park,FL
 Barlow,Amy L - Depew, NY
 Barnes,Elizabeth M - Saratoga Springs, NY
 Baron,Eric M - Old Bethpage, NY
 Baron,Melissa L - New Hyde Park, NY
 Bashnick,Keith E - Rochester, NY
 Bassier,Jerome A - Rosedale, NY
 Beaton,Lisa A - Bolivar, NY
 Beck,Susan J - Hicksville, NY
 Beith,Phillip J - Angola, NY
 Belony,Lude - New Windsor, NY
 Bemis,Amber - Clymer, NY
 Best,Michael B - Brooklyn, NY
 Biette,Jason K - Fork Union,VA
 Billups-Bell,Shirley - Rochester, NY
 Blackiston,Leslie M - Mantua,NJ
 Blair,Trina Lynn - Middletown, NY
 Blaise,Ellyn F - Keeseville, NY
 Blum,Rachel R - Ovid, NY
 Bodnar,Sheryl P - Little River,SC
 Bogdan,Carrie A - Schenectady, NY
 Bombard,Roseann M - Moira, NY
 Borrelli,Adam J - Spencerport, NY
 Borthwick,Jennifer A - S Prince Geo,VA
 Bottex,Ricardo - Mount Vernon, NY
 Bouck,Carol T - Mohawk, NY
 Bowser,Lori J - Bronx, NY
 Boyd,Ben - Albany, NY
 Bozza,Christopher M - Plainview, NY
 Brahmhatt,Pinal P - Orlando,FL
 Brannan,Jeri S - Flagstaff,AZ
 Brick,Carmen M - Oakland,CA
 Brita,Anthony E - West Hempstead, NY
 Brown,Stacey A - Batavia, NY
 Bryant,Patricia - Rochester, NY
 Bukowski,Rosemary T - Buffalo, NY
 Bultman,Laura M - Allendale,NJ
 Buonome,Michelle M - Schenectady, NY
 Burlew,Kimberly A - Lowman, NY
 Burns,Laurie A - Liverpool, NY
 Burrell,Mark E - Owego, NY
 Bushey,Michaela - Au Sable Forks, NY
 Buttacavoli,Jaclyn M - Yonkers, NY
 Caccamise,Suzanne M - Hopewell Junction, NY
 Caimano,Amber L - Walworth, NY
 Campbell,Carlos R D - Albany, NY
 Campbell,Sarah M - Vernon, NY
 Capizzano,Kerianne - Hopewell Jct, NY
 Carbino,Brandy A - Massena, NY
 Cardinali,Keith W - Clay, NY
 Carmichael,James K - Pflugerville,TX
 Carney,Eric J - Centereach, NY
 Carr,Ernestine - Rochester, NY
 Carte,Nicholas J - Peru, NY
 Casey,John F - Garnerville, NY
 Caso,Michael P - Buffalo, NY
 Cavanaugh,Melissa A - Geneseo, NY
 Celentano,Jennifer - Riverview,FL
 Celestine,Claude L - Brooklyn, NY
 Ceravolo,Susan - West Hempstead, NY
 Charles,Steve - Brooklyn, NY
 Chiuchiolo,Justin T - Spring Hill,FL
 Claudio,Leonardo - Bay Shore, NY
 Clo,Victoria S - Albany, NY
 Colinet,Emmanuel - New York, NY
 Colon,Sheila D - North Baldwin, NY
 Compson,Laurie S - Port Byron, NY
 Conley,Wendy D - Conway,SC
 Cook,Michael T - Poughquag, NY
 Cornwell,Jessica L - Susquehanna,PA
 Costa,Anthony J - Groton, NY
 Cota,Holli-Jo J - Ogdensburg, NY
 Couchman,Barbra J - Hobart, NY
 Cranston,Saryn M - Lisle, NY
 Cringoli,Valerie A - Milton, NY
 Crowley,Megan L - Plattsburgh, NY
 Crowningshield,Denise M - Whitney Point, NY
 Curtis,Geanine M - Brentwood, NY
 Cusumano,Richard A - West Islip, NY
 Dalton,John J - Coram, NY
 Danmola,Faruk A - Brooklyn, NY
 Davis,Bethany J - Syracuse, NY
 Davis,Cynthia A - Buffalo, NY
 Davis,Dawn M - Massena, NY
 Davis,Dawn M - Walton, NY
 Davis,Leon M - Bronx, NY
 De Pugh,Sean C - Vestal, NY
 De Rosa,Liane - Huntington Station, NY
 Dearbeck,Jason P - Schenectady, NY
 Delmonte-Synnott,Michell C - Westbury, NY
 Denysenko,Lex - Wyndmoor,PA
 Derby,Sierra J - Mayfield, NY
 Dermody,Ryan D - Islip Terrace, NY
 Dey,Naomi J - Brooklyn, NY
 Di Cocco,Stefano D - Concord,NC
 Diaz,Maria D - Woodhaven, NY
 Dickinson,Catherine - Honeoye, NY
 Dollinger,Dawn M - Rensselaer Falls, NY
 Donohue,Jason E - Hewitt,NJ
 Dorrough,Carla L - Broadalbin, NY
 Dote,Diana L - Chadwicks, NY
 Duran,Karla - Monticello, NY
 Dushenko,Stephen E - Farmington, NY
 Ellert,Anthony R - Vernon, NY
 Enck,Allison C - Webster, NY
 Eng,Jennifer L - Yorba Linda,CA
 Engle,Megan C - Binghamton, NY

Espinosa, April Grace D - Saratoga Spgs, UT
 Estrada, Jessy C - Central Islip, NY
 Ettman, Jessica - Brooklyn, NY
 Evans, Mariah L - Belmont, NY
 Evans, Marissa L - Fairport, NY
 Fallon, Helene A - Montauk, NY
 Farrell, Charlene - Elmont, NY
 Fasulo, Nicole E - East Norwich, NY
 Feldman, Christopher H - Mount Kisco, NY
 Feldmeth, Lorraine M - Yonkers, NY
 Fields, Jason M - East Aurora, NY
 Figueroa, Adadigna - Bellmore, NY
 Finch, Joseph W - New Prt Rchy, FL
 Finn, Caitlin M H - Ithaca, NY
 Fiteni, Kristin - Lindenhurst, NY
 Fitzgerald, Sheila B - Greenwich, CT
 Foley, Patrick - Fredericksbrg, VA
 Fong-Ging, Hantz - Spring Valley, NY
 Fong, Alan - Brooklyn, NY
 Forbes, Shannon M - Oneonta, NY
 Freiman, Andrew D - Hewlett, NY
 Gabriel, Kim M - Albany, NY
 Gaetano, Christopher F - Mechanicville, NY
 Gallagher, Patrick L - Bangor, PA
 Geary, Colleen M - Albany, NY
 Gebbie, Carmel - Port Jeff Sta, NY
 Gelo, Valerie C - Saint James, NY
 Genet, Kelly E - Bethel Park, PA
 Gerbino, Tina A - Corning, NY
 Giordano, Thomas G - Goshen, NY
 Giorgio, GERALIN R - Shirley, NY
 Glastetter, Andrew C - Glenmont, NY
 Goll, Brian D - Albany, NY
 Gondar, Julie M - Albany, NY
 Gonzalez, Nathaniel - Brooklyn, NY
 Gordon, Matthew E - Farmingville, NY
 Gordon, Nancy - Greenwich, CT
 Gould, Stephanie N - Carmel, NY
 Grant, Erica L - Rexford, NY
 Grant, Stephen M - Rochester, NY
 Grasseler, Robert M - Brooklyn, NY
 Green, Lindsey T - Bronx, NY
 Grohs, Tracey M - Long Beach, NY
 Guarcello, Clare - North Bergen, NJ
 Guildler, Katie S - Chestertown, NY
 Guiles, Kaitlin E - Binghamton, NY
 Guilor-Segal, Edna - Great Neck, NY
 Guppenberger, Michael T - East Aurora, NY
 Gustin, Valerie L - Wellsville, NY
 Haas, Christina M - Albany, NY
 Hack, Jennifer I - Garden City South, NY
 Haines, Rebecca L - Buffalo, NY
 Hall, Jessica M - Hinesville, GA
 Hansen, David M - Melrose, NY
 Hanyon, De Anna R - Windsor, NY
 Harblin, Jessica A - Ballston Spa, NY
 Harkenrider, Robert F - Corning, NY
 Harkness, Deltra - Deer Park, NY
 Harley, Caitlin A - Setauket, NY

Harrison, Misty S - Riverhead, NY
 Hartnett, Thomas M - Schenectady, NY
 Haxhija, Mimoza - Holiday, FL
 Hayton, Mindy L - Salamanca, NY
 Heberger, David J - Potsdam, NY
 Hemmerick, Crystal M - Herkimer, NY
 Henshaw, Susan M - Wappingers Falls, NY
 Herrick, Kimberly D - Nassau, NY
 Hlavac, Kimberly A - Midlothian, VA
 Hoffman, Craig L - Holtsville, NY
 Holmes, Antonia - New Rochelle, NY
 Holmes, Rose M - Rochester, NY
 Horrocks, Craig L - Lewiston, NY
 Houghtaling, Bethany R - Equinunk, PA
 Houghtaling, Jared B - Equinunk, PA
 Hovanec, Michelle D - Lindenhurst, NY
 Hudecek, Kimberli G - Ridge, NY
 Hunter, Kristen L - New Windsor, NY
 Hunter, Lisa L - Saugerties, NY
 Hunter, Phelesia S - Poughkeepsie, NY
 Hunter, Susan M - New York, NY
 Hydock, Karen M - Lyndonville, NY
 Janardhanan, Thulasiram - New York, NY
 Jeune, Jean M - Newburgh, NY
 Jewell, Tracy M - New Rochelle, NY
 Johnson, Candice L - Syracuse, NY
 Jones, Erica A - Whitesboro, NY
 Jones, Kenneth R - Rochester, NY
 Jurado, Alvaro - W Hempstead, NY
 Kemp, Daniel H - Batavia, NY
 Kennedy, Megan M - Fairport, NY
 Kessler, Sara E - Colorado Spgs, CO
 Khan, Mohiuddin A - Danbury, CT
 Khitro, Galina - Yorktown Heights, NY
 Kibler, Matthew J - South Wales, NY
 King, Nathan C - Willsboro, NY
 Kiri, Bharat J - Hicksville, NY
 Kocovic, Lena - Yonkers, NY
 Kotula, Jaclyn L - Attica, NY
 Kruze, Rachel J - Hornell, NY
 La Bello, Michael J - Colonie, NY
 La Bianca, Jocelyn - Melville, NY
 La Page, Kevin J - Malone, NY
 La Salle, Marcus - Wilsons, VA
 Lake, Dawn V - Bronx, NY
 Lawlor, Roger M - Beacon, NY
 Le Brecht, Charles L - Schenectady, NY
 Lee, Michael W - Oneonta, NY
 Lee, William J - Monroe, NY
 Lerebours, Gladson - Spring Valley, NY
 Levee, Terry L - Canaseraga, NY
 Lewis, Tammy M - Syracuse, NY
 Lizano Peixoto, Robert G - Ballston Lake, NY
 Lobdell, Christina F - Kirkland, WA
 Long, Antoinette - New York, NY
 Loson, Cassandra M - Johns Island, SC
 Lowe, Shawna M - Wingdale, NY
 Lucero, Amy K - Elmira, NY
 Luchsinger, Elizabeth A - New Rochelle, NY

Lusardi,Danielle J - Northport, NY
 Luzincourt,Regina - Arlington,VA
 Mac Kay,William D - Goochland,VA
 Mackenzie,Sandra M - North Salem, NY
 Macking,Ronnie - Syracuse, NY
 Mahal,Shibijit - New York, NY
 Mallory,Allison M - Rochester, NY
 Manley,Andrew J - Bedford,IN
 Manzella,Vincent J - East Moriches, NY
 March,Brittney Lee - Center Moriches, NY
 Marciano,Frank J - Rocky Point, NY
 Marcus,Madison - Clinton, NY
 Marianetti,Stephanie A - Rochester, NY
 Marin,Natalia A - Amagansett, NY
 Marshall,Kendall A - Malone, NY
 Martin,Carol E - Rocky Point, NY
 Martin,Chelsea E - Glens Falls, NY
 Martinez,Alexandra I - Glen Cove, NY
 Mashburn,Manon B - New Orleans,LA
 Mason,De Anna M - Prattsburgh, NY
 Mattingly,Lauri C - Theresa, NY
 Mayer,Jeanne M - Kalamazoo,MI
 Mazzoli,Tiffany A - Pass Chris,MS
 Mc Clure,Greg A - Trumansburg, NY
 Mc Cormick,Ryan J - Brewster, NY
 Mc Coy,Felice N - Sicklerville,NJ
 Mc Dougal,Amy D - Levittown, NY
 Mc Entee,Tracy - Coram, NY
 Mc Ghee,Ricky A - Elizaville, NY
 Mc Gill,Heather A - Bedford Hills, NY
 Mc Glynn,Cara A - Rensselaer, NY
 Mc Goldrick,Linette B - Yonkers, NY
 Mc Govern,Annmarie - Central Islip, NY
 Mc Gowan,Dean T - Mohegan Lake, NY
 Mc Intyre,Alison M - Ossining, NY
 Mc Keand,Karen L - Orlando,FL
 Mc Kelphin,Burrell - Chattanooga,TN
 Medina,Nadine R - Troy, NY
 Mendel,Elizabeth A - W Henrietta, NY
 Metcalfe,Kyle J - Fairport, NY
 Meyer-Andersen,Jennifer L - Andes, NY
 Micciche,Jennifer F - Clover,SC
 Mikulas,Suzanne M - Holtsville, NY
 Misso,Anthony R - Buffalo, NY
 Mitchell,Elizabeth K - Buffalo, NY
 Mora,Fortunato - Glen Oaks, NY
 Moran,Agnieszka T - West Nyack, NY
 Moreira,Eric - Yorktown Heights, NY
 Moritz,Michael J - Grand Island, NY
 Mudd,April A - Peru, NY
 Mullane,Laurie Ann - Lockport, NY
 Murphy,Brendan M - Kenmore, NY
 Murphy,Kathleen R - Brewster, NY
 Murphy,Veronica L - West Nyack, NY
 Murray,Tara A - Schenectady, NY
 Nash,Sara S - New York, NY
 Nath,Apollo - Norristown,PA
 Nelson,Sylvia C - Cortland, NY
 Nepote,Kristina - Sayville, NY
 Nestor,Jo-Ann - Carmel, NY
 Neubert,Hank G - Freeville, NY
 Neumann-Chrostowska,Beata - Sackets Hbr, NY
 Ng,Lily - Woodside, NY
 Nguyen,Chau D - Murphy,TX
 Nicoloff,Nick N - Hastings On Hudson, NY
 Norton,Randal L - Otego, NY
 Nylander,Christopher - Staten Island, NY
 O'Connor,Christopher P - Albany, NY
 O'Neill,Kevin F - Monroe, NY
 Olejar,Kenneth J - Phoenix,OR
 Oles,Brenda M - Williamsville, NY
 Overing,Victoria J - Poughkeepsie, NY
 Owens-Huber,Tara L - Austin,TX
 Pabrinkis,Lynne A - Rochester, NY
 Paglialonga,Fortunata - Schenectady, NY
 Palmer,Casey L - Cortland, NY
 Panzera,Maria T - Rochester, NY
 Parikh,Chirayu B - Belle Mead,NJ
 Parmeter,Karen L - Lisbon, NY
 Pasciuta,Dina N - Ronkonkoma, NY
 Passariello,Concetta M - W Haverstraw, NY
 Pastrich,Audrey L - Port Jefferson, NY
 Patterson,Jane A - Sandy Creek, NY
 Patterson,Wallace G - Denver, NY
 Pelo,James J - Oswego, NY
 Pendell,Sallie A - Johnson, NY
 Perna,Jack - Stafford Spgs,CT
 Perry,Sean D - Liverpool, NY
 Peters,Shae M - Churchville, NY
 Pettigrew,Caroline M - Lansing, NY
 Pfeiffer,Johanna L - Nyack, NY
 Phelps,Nina C - New York, NY
 Piccininni,Marietta M - Wading River, NY
 Pilipczak,Erin M - Auburn, NY
 Platt,Frances M - High Falls, NY
 Polanco,Julia - Waterbury,CT
 Poole,Michael C - Seneca Falls, NY
 Porcello,Paul - Brooklyn, NY
 Powell,Amanda L - Carthage, NY
 Pratt,Dorothea S - Selkirk, NY
 Pratt,Maurice L - Poughkeepsie, NY
 Priestler,Lashonda M - Buffalo, NY
 Prock,Jacqueline M - Waterford, NY
 Prus,Pesya - Allston,MA
 Pugh,Margaret J - Wantagh, NY
 Raderman,Patrick M - Buffalo, NY
 Raimondo,Alyssa L - Falconer, NY
 Ranaudo,Jeremy W - Oneonta, NY
 Randolph,Stacey - New Rochelle, NY
 Raspanti,Karen A - Brewster, NY
 Ray,Nancy J - Holbrook, NY
 Reedy,Patrick M - Clifton Park, NY
 Renshaw,Keri L - Elbridge, NY
 Repp,Tammy A - Mahopac, NY
 Retchless,Bridget - Olean, NY
 Rienhardt,Colleen R - Cayuta, NY
 Rimoli,Steven - Hauppauge, NY
 Robles,Ricky N - Aurora,CO

Rojas,Julio C - Yonkers, NY
 Rolison,Robert G - Poughkeepsie, NY
 Rooney,Caitlin T - Shrub Oak, NY
 Rooney,Christine M - Macedon, NY
 Rosa,Samantha N - Sayville, NY
 Rosettie,Mary - Corning, NY
 Rotondi,James R - New York, NY
 Rowe,Matthew T - Oneonta, NY
 Rozelle,Thomas J - Pensacola,FL
 Russell,Scott A - Rock Hill, NY
 Ruttle,Amy M - Freeville, NY
 Ryerson,Gene W - Commack, NY
 Sabol,Harold J - Endicott, NY
 Salas,Iruani - Scarsdale, NY
 Samuel,Anniaei A - Buffalo, NY
 Sangnier,Dyani I - Kerhonkson, NY
 Saraiva,Victor I - New Rochelle, NY
 Sartiano,Joseph - Ardsley, NY
 Savage,Maria E - Burt, NY
 Scalera,Peter - Brooklyn, NY
 Sceusa,Denise M - Derby, NY
 Schaefer,Lois M - Saugerties, NY
 Schafer,Rosemarie - Northport, NY
 Schaffzin,Joshua K - Cincinnati,OH
 Schanz,Michelle M - Rexford, NY
 Schara,Quinn F - Ponte Vedra,FL
 Schedlbauer,Andrea R - Hagaman, NY
 Schiliro,Alexander J - Kings Park, NY
 Schmitt,Martin G - Chatam, NY
 Schneider,Eric O - Olean, NY
 Schneider,Marc - Huntington Station, NY
 Scholz,Eric A - St James, NY
 Schwarzman,Steven M - Schenectady, NY
 Scoma,Nicole A - East Meadow, NY
 Sebald,Ellen L - Stone Ridge, NY
 Secone,Camden L - Canton, NY
 Seese,Adrienne M - Geneva, NY
 Sefcik,Kara K - Poughkeepsie, NY
 Serrano,Daniel - New York, NY
 Seymour,James W - Liverpool, NY
 Shanagher,Iyesha - Schenectady, NY
 Shaughnessy,Tracy D - Clay, NY
 Shoyinka,Sosunmolu O - Overland Park,KS
 Shulman,Brian M - Allegany, NY
 Shutts,Kyle J - Plattsburgh, NY
 Sindone,Diane - Hyde Park, NY
 Singer,Michael - Huntingtn Wds,MI
 Sirianni,Geralyn A - Mass Pk, NY
 Skea,Jessica E - Lancaster, NY
 Slade,Aaron S - Conewango Valley, NY
 Slater,Natasha G - Brooklyn, NY
 Sleezer,Laurie E - Hudson, NY
 Smith,Christeina V - Tonawanda, NY
 Smith,George J S - Huntington, NY
 Smith,Jean Marie - Baldwin, NY
 Smith,Tassaday S - San Diego,CA
 Smoot,Amy L - Arcade, NY
 Snyder,Christopher J - Hornell, NY
 Snyder,Lynn M - Equinunk,PA

Soares,Katherine M - Buffalo, NY
 Somers,Julie E - Hancock, NY
 Sotherden,Bryan F - Old Chatham, NY
 Soto,Abel N - Sacramento,CA
 Spadafora,Karen G - Ridge, NY
 Spencer,Barnard - Laurelton, NY
 Sprauer,Karen A - New City, NY
 Stabb,Edward J - Durhamville, NY
 Stamatis,Gina M - Holmdel,NJ
 Stavrou,Joseph A - Cortland Manor, NY
 Stevenson,Jennifer L - Alpine, NY
 Stewart,Shaneka S - Brooklyn, NY
 Sticco,Charles C - Mineola, NY
 Stipanovic,Salvatrice M - Howard Beach, NY
 Stockwicz,Constance V - Waterford, NY
 Storie,Shelley K - Cape Vincent, NY
 Stubing,Henry A - Commack, NY
 Suarez,Traci A - Bloomingburg, NY
 Szafron,Monique B - Ghent, NY
 Szulis,Judy L - Medina, NY
 Tait,Sherri S - Elma, NY
 Taranto,Matthew C - Trumansburg, NY
 Taylor,George E - Catskill, NY
 Taylor,Veronica L - Mary Esther,FL
 Tenefrancia,Lori - Yorktown Heights, NY
 Tervizian,Hermine Manoshak - New Rochelle, NY
 Thomas,Alyssa S - Greenville, NY
 Thue,Mary V - Fredonia, NY
 Thurn,Jennell B - Central Square, NY
 Tocci,Catherine E - Smithtown, NY
 Toro,Angela M - Selden, NY
 Torres,Jasmine M - Binghamton, NY
 Tracy,Christine S - Buffalo, NY
 Traver,Sara - Wappingers Fl, NY
 Travis,Jo Anna E - Highland Falls, NY
 Trew,Dixie - Oswego, NY
 Turnock,Erin K - Clifton Park, NY
 Tutunjian,Noelle F - Demarest,NJ
 Van Vleet,Veronica M - Apalachin, NY
 Vance,Brent S - Fairport, NY
 Varnum,Bonnie M - Lake George, NY
 Vaughn,Walliann P - Elmira, NY
 Vega,William - Davenport Ctr, NY
 Vogel,Lara - Rohnert Park,CA
 Vogel,Michael P - Rochester, NY
 Volpe,Donna M - Melville, NY
 Vorhees,Carolina M - Woodbridge,VA
 Wagner,Neil J - Albany, NY
 Walko,Linda L - Attica, NY
 Wallace,Jacob W S - Albany, NY
 Wallington,Keyvette A - Middletown, NY
 Walsh,Audrey E - Larchmont, NY
 Walsh,Nicholas M - Washington,DC
 Washburn,Neal J - Honeoye, NY
 Weed,Kelley M - Victor, NY
 Weick,Lauren B - White Plains, NY
 Weil,Daniel M - East Meadow, NY
 Welcome,Michael R - Cohoes, NY
 Whitesell,Avery A - Carmel, NY

Williams, Ian M - Williston, VT
 Williams, Terenna V - Uniondale, NY
 Willis, Elizabeth T - Oneonta, NY
 Winters, Gary D - Syracuse, NY
 Wojnowski, Brent J - Ithaca, NY
 Yang, Maria C - Seattle, WA
 Young, Jessica - Valley Stream, NY
 Zachary, Dawn M - Westfield, NY
 Zahra, Gregory P - Middle Island, NY
 Zarnoch, James M - Westmoreland, NY
 Zarnoch, Walter F - Westmoreland, NY
 Zippiroli, Patricia J - Everson, WA
 Zovistoski, Thomas J - Granville, NY
 Zulch, Mallory L - Glenmont, NY
 Zureick, Catherine E - West Babylon, NY

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 340, Subdivision f, of the Retirement and Social Security Law on or before June 30, 2018. 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.

Leonard, Alton L - Liverpool, NY

For further information contact: Kimberly Zeto, New York State Retirement Systems, 110 State St., Albany, NY 12244, (518) 474-3502

PUBLIC NOTICE

Department of State
 F-2018-0178

Date of Issuance – August 8, 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. Electronic copies of the submission can also be downloaded at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2018-178ForPN.pdf>

Samuel Colvin is proposing replace an existing 165 linear feet of rail road tie breakwall with 190 linear feet of new steel break wall at his property at 14892 West Bay Road on Little Sodus Bay.

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., 10 days from the date of publication of this notice or August 18, 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-2018-0444

Date of Issuance – August 8, 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. Electronic copies of the submission can also be downloaded at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2018-0444ForPN.pdf>

Peter Goodman is proposing to place two layers of 2-3 ton stone along the ~99 linear feet of Lake Ontario shoreline. The proposed activity will involve excavating an ~2-3' deep trench to key in the first layer of stone. Geotextile fabric will be used under the stone to prevent erosion under the rock. The second layer of stone will be placed on top of and landward or the first layer to create a 1:2 slope. The proposal is for a property owned by Peter Goodman at 8866 Crescent Beach in the Town of Huron, Wayne County. The proposed action would occur within an area designated as Coastal Erosion Hazard Area (CEHA) and with the Town of Huron's Local Waterfront Revitalization Program (LWRP).

The stated purpose of the proposed activity is to control and prevent erosion of property related to high water on Lake Ontario and to protect a septic tank and leach field on the property.

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 August 23, 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-2018-0507

Date of Issuance – August 8, 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. Electronic copies of the submission can also be downloaded at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2018-0507ForPN.pdf>

Air Products and Chemicals Inc. is seeking the Department of State's concurrence for ~1,700 square feet of structural fill placed within a federally regulated forested wetland. The structural fill is a portion of a larger storm water management system associated with the expansion of an existing industrial facility. The project is at Air Products and Chemicals Inc., Glenmont, New York Facility located at 461 River Road within the Town of Glenmont, Albany County.

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 August 23, 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.

COURT NOTICES

AMENDMENT OF RULE

Uniform Rules for the Supreme and County Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division), Rule 11-g, and add a new Appendix E, effective July 1, 2018, to read as follows:

Rule 11-g. Proposed Form of Confidentiality Order.

The following procedure shall apply in those parts of the Commercial Division where the justice presiding so elects:

(a) For all commercial cases that warrant the entry of a confidentiality order, the parties shall submit to the Court for signature the proposed stipulation and order that appears in Appendix B to these Rules of the Commercial Division.

(b) In the event the parties wish to deviate from the form set forth in Appendix B, they shall submit to the Court a red-line of the proposed changes and a written explanation of why the deviations are warranted in connection with the pending matter.

(c) In the event the parties wish to incorporate a privilege claw-back provision into either (i) the confidentiality order to be utilized in their commercial case, or (ii) another form of order utilized by the Justice presiding over the matter, they shall utilize the text set forth in Appendix E to these Rules of the Commercial Division. In the event the parties wish to deviate from the language in Appendix E, they shall submit to the Court a red-line of the proposed changes and a written explanation of why the deviations are warranted in connection with the pending matter.

[(c)](d) Nothing in this rule shall preclude a party from seeking any form of relief otherwise permitted under the Civil Practice Law and Rules.

* * *

APPENDIX E.

COMMERCIAL DIVISION PRIVILEGE CLAWBACK PROVISION (Rule 11-g[c])

In connection with their review of electronically stored information and hard copy documents for production (the “Documents Reviewed”) the Parties agree as follows:

a. to implement and adhere to reasonable procedures to ensure Documents Reviewed that are protected from disclosure pursuant to CPLR 3101(c), 3101(d)(2) and 4503 (“Protected Information”) are identified and withheld from production.

b. if Protected Information is inadvertently produced, the Producing Party shall take reasonable steps to correct the error, including a request to the Receiving Party for its return.

c. upon request by the Producing Party for the return of Protected Information inadvertently produced the Receiving Party shall promptly return the Protected Information and destroy all copies thereof. Furthermore, the Receiving Party shall not challenge either the adequacy of the Producing Party’s document review procedure or its efforts to rectify the error, and the Receiving Party shall not assert that its return of the inadvertently produced Protected Information has caused it to suffer prejudice.

