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NEW YORK STATE  
**REGISTER**

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- Excelsior Jobs Program
- Empire Zones Reform
- Medicaid Managed Care Programs
- Authority to Collect Pharmacy Acquisition Cost

**Rule Review**

**Notice of Availability of State and Federal Funds**

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 45 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which full text was included in the Notice or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); or 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 for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and for 30 days after publication of a Notice of Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 45 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 January 6, 2013
- the 45-day period expires on December 22, 2012
- the 30-day period expires on December 7, 2012

**ANDREW M. CUOMO  
GOVERNOR**

**CESAR A. PERALES  
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**NEW YORK STATE DEPARTMENT OF STATE**

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# NEW YORK STATE REGISTER

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## 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](http://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 must reach the agency before the proposed rule is adopted. The law provides for a minimum 45-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making for which full text was included or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); a minimum 60-day public comment period after publication in the *Register* of a Notice of Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; 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 public comments are due.

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

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

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KEY: (P) Proposal; (RP) Revised Proposal; (RC) Revised Proposal/Continuation; (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.state.ny.us](http://www.dos.state.ny.us))

**Rule Making Activities**

**Economic Development, Department of**

- 1 / Excelsior Jobs Program (E)
- 3 / Empire Zones Reform (E)

**Education Department**

- 6 / Renewals of a Provisional SAS Certificate and Reissuances of Initial Certificates (P)
- 7 / Individual Evaluation and Experience Requirements for Level III Teaching Assistant Certificates (P)
- 9 / Licensure of Non-Degree Granting Private Proprietary Schools (P)

**Financial Services, Department of**

- 13 / Special Risk Insurance (A)
- 13 / Excess Line Placements Governing Standards (P)

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- 17 / Medicaid Managed Care Programs (E)
- 19 / Authority to Collect Pharmacy Acquisition Cost (E)
- 21 / Orthodontic Screening (E)

**Motor Vehicles, Department of**

- 23 / International Registration Plan (P)

**Public Service Commission**

- 23 / Transfer Certain Equipment to AES ES Westover LLC (EP)
- 24 / Approving Rehearing of the Commission's November 17, 2011 Order (A)
- 24 / Disposition of a Property Tax Refund of Approximately \$5.767 Million from the Town of Hempstead (A)
- 24 / Amendments to PSC Nos. 10 and 12—Electricity, Effective 10/25/12 to Expand Standby Service (A)
- 25 / Approving Affiliate Standards Filed by Corning Natural Gas Corporation and Its Affiliates (A)
- 25 / Approving Lightened Ratemaking Regulation (A)
- 25 / Amendments to PSC No. 12—Gas, Effective November 1, 2012 (A)
- 25 / Modify the Commission's Order for the Publication Requirement for Authorized Rate Increases in 2013 and 2014 (A)
- 26 / Approving Amendments to PSC No. 4—Gas, Effective 11/1/12, Pursuant to Commission Order Issued May 23, 2012 (A)
- 26 / Approving, with Modifications, Amendments to PSC No. 9—Gas, Eff. 11/1/12, Pursuant to Commission Order (A)
- 26 / Approving Amendments to PSC No. 12—Gas, Effective 11/1/12, Pursuant to Commission Order Issued May 23, 2012 (A)
- 26 / Approving Amendments to PSC No. 1—Gas, Effective 11/1/12, Pursuant to Commission Order Issued May 23, 2012 (A)
- 27 / Approving Amendments to PSC No. 219—Gas, Effective 11/1/12, Pursuant to Commission Order Issued May 23, 2012 (A)
- 27 / Approving Amendments to PSC No. 12—Gas, Effective 11/1/12, Pursuant to Commission Order Issued May 23, 2012 (A)

- 27 / Amendments to PSC No. 4—Gas, Eff. 11/1/12 to Continue Provisions Beyond the 3 Year Term of the Gas Rate Plan (A)
- 27 / Property Tax Refund Associated with the 1992 to 2002 Tax Years, Received from the Town of Hempstead (A)
- 28 / Amendments to PSC No. 12—Gas, Eff. 11/1/12 to Add a Definition of “Force Majeure” Regarding ESCOs Delivery (A)
- 28 / To Issue Up to \$10,870,000 of Long-Term Debt by December 31, 2013 (A)
- 28 / To Increase the Minimum Net Metering Limit for Central Hudson Gas and Electric Corporation to 36 MW (A)
- 28 / Approve the Report for Modifications of the Terms of a Gas Supply Collaborative (A)
- 29 / Waiver of Certain Requirements of Sections 16 NYCRR 600.3, 609.4, 609.13(c), and 890.66, As Requested by Verizon (P)
- 29 / Petition for the Submetering of Electricity (P)
- 29 / Whether to Grant, Deny or Modify, in Whole or Part, ESHG’s Petition for a Waiver of Commission Policy and RG&E Tariff (P)
- 29 / Certain Aspects of the Residential and Small Non-Residential Retail Energy Markets in New York State (P)
- 30 / Whether to Grant, Deny or Modify, in Whole or in Part the Petition of Con Edison to Grant Easements to Millwood Fire District (P)

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- 77 / Public Notice