

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; or C for first Continuation.)

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

Department of Agriculture and Markets

EMERGENCY RULE MAKING

Importation of Deer

I.D. No. AAM-02-04-00010-E
Filing No. 1468
Filing date: Dec. 30, 2003
Effective date: Jan. 1, 2004

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

Action taken: Addition of section 62.8 to Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 18(6), 72 and 74

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

Specific reasons underlying the finding of necessity: The proposed adoption of section 62.8 of 1 NYCRR will help to prevent the introduction of chronic wasting disease (CWD) into New York State. CWD is an infectious and communicable disease of deer belonging to the Genus Cervus (including elk, red deer and sika deer) and the Genus Odocoileus (including white tailed deer and mule deer). It has been detected in Colorado, Wyoming, Nebraska, Montana, Oklahoma, South Dakota, Wisconsin and, most recently, New Mexico. Initially, it was found to be present in

captive herds of elk and white-tailed and mule deer. It has now been confirmed in free-ranging white tailed deer, elk and mule deer in Colorado, Nebraska, Wisconsin, Saskatchewan and New Mexico.

The origin of CWD is unknown. The mode of transmission is suspected to be from animal to animal. The disease is progressive and always fatal. There is no live animal test for CWD, so it is impossible to determine whether a live animal is positive, nor is there a vaccine to prevent the disease. The incubation period is lengthy and 3 to 5 years of continued surveillance is needed with no new infection found before a herd can be declared free of CWD through quarantine. The United States Secretary of Agriculture has declared CWD to be an emergency that threatens the livestock industry of the United States and authorized the United States Department of Agriculture to establish a CWD eradication program.

New York State has over 400 entities engaged in raising approximately 9,424 deer and elk in captivity with a value of several million dollars, and many of these entities import captive bred deer and elk from other states, including Wisconsin, a state with confirmed CWD. The rule prohibits, with certain exceptions and until further notice, the importation or movement of deer belonging to the Genus Cervus (including elk, red deer and sika deer) or the Genus Odocoileus (including white tailed deer and mule deer), into the State due to the presence of CWD in wild and domestic animals outside the State and the threat this disease poses to the State's domestic animals, specifically captive deer. Deer belonging to the Genus Cervus and Odocoileus are the deer known to be susceptible to CWD.

The promulgation of this regulation on an emergency basis is necessary because the introduction of CWD into New York State would be devastating from both an animal health and economic standpoint given the threat the disease poses to the approximately 9,424 captive deer in the State and the 400 entities which raise them.

Subject: Importation of deer.

Purpose: To prevent the introduction of chronic wasting disease into the State.

Text of emergency rule: Section 62.8 of Title 1 of the Official Compilation of Codes, Rules and Regulations of the State of New York (1 NYCRR) is adopted to read as follows:

62.8 *Prohibition on the importation of deer.* (a) *Notwithstanding any other provision of this Title to the contrary and except as provided in subdivision (b) of this section, until further notice, no deer belonging to the Genus Cervus or the Genus Odocoileus shall be imported or moved into this State, due to the presence of chronic wasting disease in wild and domestic animals outside the State and the threat said disease poses to domestic animals within the State. Members of the Genus Cervus include, but are not limited to, red deer, elk, and sika deer. Members of the Genus Odocoileus include, but are not limited to, white tailed deer and mule deer (black tailed deer).*

(b) *Deer belonging to the Genus Cervus or the Genus Odocoileus may be imported and moved into the State for the following purposes after the issuance of a permit by the Department, in consultation with the New York State Department of Environmental Conservation:*

(1) *Such deer may be imported and moved from a zoological park accredited by the American Zoo and Aquarium Association to a zoological park in New York State accredited by said Association.*

(2) *Such deer may be imported and moved into the State for exhibition, provided that they are kept biologically separate from resident captive and wild deer and are in the State for no longer than 30 days.*

(c) *Deer belonging to the Genus Cervus or the Genus Odocoileus imported pursuant to subdivision (b) of this section must comply with all applicable requirements of the Agriculture and Markets Law and this Title*

and the health certificate accompanying such deer must be endorsed with the number of the permit issued by the Department authorizing their importation and movement into the State.

(d) As provided in 1 NYCRR Part 62.1(b)(4)(c), for the purposes of this Part, "deer" means any member of the family *cervidae*.

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 March 28, 2004.

Text of emergency rule and any required statements and analyses may be obtained from: Bruce Akey, State Veterinarian, Acting Director, Division of Animal Industry, Department of Agriculture and Markets, One Winners Circle, Albany, NY 12235, (518) 457-3502

Regulatory Impact Statement

1. Statutory Authority:

Section 18(6) of the Agriculture and Markets Law provides, in part, that the Commissioner may enact, amend and repeal necessary rules which shall provide generally for the exercise of the powers and performance of the duties of the Department.

Section 72 of the Law authorizes the Commissioner to adopt and enforce rules and regulations for the control, suppression or eradication of communicable diseases among domestic animals and to prevent the spread of infection and contagion.

Section 72 of the Law also provides that whenever any infectious or communicable disease affecting domestic animals shall exist or have recently existed outside this State, the Commissioner shall take measures to prevent such disease from being brought into the State.

Section 74 of the Law authorizes the Commissioner to adopt rules and regulations relating to the importation of domestic or feral animals into the State. Subdivision (10) of said Section provides that "feral animal" means an undomesticated or wild animal.

2. Legislative Objectives:

The statutory provisions pursuant to which these regulations are proposed are aimed at preventing infectious or communicable diseases affecting domestic animals from being brought into the State. The Department's proposed adoption of 1 NYCRR section 62.8 will further this goal by preventing the importation of deer which may be infected with chronic wasting disease (CWD).

3. Needs and Benefits:

CWD is an infectious and communicable disease of deer belonging to the Genus *Cervus* (including elk, red deer and sika deer) and the Genus *Odocoileus* (including white tailed deer and mule deer). It has been detected in Colorado, Wyoming, Nebraska, Montana, Oklahoma, South Dakota, Wisconsin and, most recently, New Mexico. Initially, it was found to be present in captive herds of elk and white-tailed and mule deer. It has now been confirmed in free-ranging white-tailed deer, elk and mule deer in Colorado, Nebraska, Wisconsin, Saskatchewan and New Mexico.

The origin of CWD is unknown. The mode of transmission is suspected to be from animal to animal. The disease is progressive and always fatal. There is no live animal test for CWD, so it is impossible to determine whether a live animal is positive, nor is there a vaccine to prevent the disease. The incubation period is lengthy and 3 to 5 years of continued surveillance is needed with no new infection found before a herd can be declared free of CWD through quarantine. The United States Secretary of Agriculture has declared CWD to be an emergency that threatens the livestock industry of the United States and authorized the United States Department of Agriculture to establish a CWD eradication program.

New York State has over 400 entities engaged in raising approximately 9,424 deer and elk in captivity with a value of several million dollars, and many of these entities import captive bred deer and elk from other states, including Wisconsin, a state with confirmed CWD. The rule prohibits, with certain exceptions and until further notice, the importation or movement of deer belonging to the Genus *Cervus* or the Genus *Odocoileus* into the State due to the presence of CWD in wild and domestic animals outside the State and the threat this disease poses to the State's domestic animals, specifically captive deer and elk. This is an essential disease control measure that will help to prevent the introduction of CWD into New York State.

An exception to the general prohibition against the importation of deer belonging to the Genus *Cervus* (including elk, red deer and sika deer) and the Genus *Odocoileus* (including white-tailed deer and mule deer) has been made for deer being imported and moved from a zoological park accredited by the American Zoo and Aquarium Association to a zoological park in New York State accredited by said Association. The reason for this exception is to permit zoological parks to maintain breeding programs that

require the introduction of new animals and are necessary to preserve and perpetuate populations of rare and endangered species. The accreditation of the zoological parks that are the source and destination of such animals will help to ensure that they are free of disease and are cared for in a manner that keeps them healthy.

Another exception to the general prohibition has been made for deer that are imported and moved into the State for exhibition, provided that they are kept biologically separate from wild and captive deer and are in the State for no longer than 30 days. This exception will permit these deer to be exhibited for educational and entertainment purposes. The limited period of time the animals will be in the State and the fact that they are kept biologically separate from resident captive and wild deer will help to ensure that they do not pose a disease risk.

As an added precaution, both deer moved to zoological parks and deer moved into the State for exhibition purposes could only move after a permit for such movement has been issued and the deer have met the health and test requirements of the Agriculture and Markets Law and 1 NYCRR and an animal health certificate attesting to that fact has been issued.

4. Costs:

(a) Costs to regulated parties:

There are approximately 400 entities raising a total of approximately 9,424 captive deer in New York State. These farms produce venison with a value of approximately \$1,300,000 per year. Since February 1, 2000, a total of 104 elk from 8 states and 181 deer from 12 states were imported into New York, together with 287 elk and 146 deer from Canada. During the past year, 195 elk and 165 deer were imported into New York. The value of elk range from \$500 to \$2,000 per animal. The value of deer range from \$50 to \$1,500 per animal. Using the most recent annual import data, average values of \$1,250 per animal for elk and \$775 per animal for deer, the rule would prohibit the importation of 195 elk with a value of \$243,750 and 165 deer with a value of \$127,875 on an annual basis.

(b) Costs to the agency, state and local governments:

None.

(c) Source:

Costs are based upon data from the records of the Department's Division of Animal Industry.

5. Local Government Mandates:

The proposed amendments would not impose any program, service, duty or other responsibility upon any county, city, town, village, school district, fire district or other special district.

6. Paperwork:

The rule would require the endorsement of the health certificate which currently must accompany deer being imported into New York State with the number of the permit required for the importation of deer of the Genus *Cervus* and *Odocoileus* being imported to zoological parks and for exhibition. Such permits will be issued by the Department in consultation with the New York State Department of Environmental Conservation after a determination that the deer in question qualify for the exceptions in the rule to the general prohibition against the importation of deer.

7. Duplication:

None.

8. Alternatives:

Various alternatives, from the imposition of a total prohibition against the importation of all cervids, to no additional restriction on their importation were considered.

Due to the spread of CWD in other states and the threat that this disease poses to the State's captive deer population, a prohibition with limited exceptions was determined to be the best method of preventing the introduction of this disease into New York State. It was concluded that no restriction on the importation of deer and broader exceptions were alternatives that posed an unacceptable risk of introducing CWD to the State's herds of captive deer.

9. Federal Standards:

The federal government currently has no standards restricting the interstate movement of cervids due to CWD, but has implemented an indemnity program for elk and is considering a CWD monitoring program for elk.

10. Compliance Schedule:

It is anticipated that regulated parties can immediately comply with the rule.

Regulatory Flexibility Analysis

1. Effect of Rule:

There are approximately 400 small businesses raising a total of approximately 9,424 captive cervidae (the family that includes deer and elk) in New York State. The rule would have no impact on local governments.

2. Compliance Requirements:

Regulated parties will be prohibited, with certain exceptions, from importing deer belonging to the Genus *Cervus* or the Genus *Odocoileus* into New York State. Those importing such deer, as permitted, for zoological parks and exhibition will be required to have the health certificate accompanying the deer endorsed with the number of the permit issued by the Department, in consultation with the New York State Department of Environmental Conservation.

The rule would have no impact on local governments.

3. Professional Services:

It is not anticipated that regulated parties will have to secure any professional services in order to comply with this rule.

4. Compliance Costs:

(a) Costs to regulated parties:

There are approximately 400 entities raising a total of approximately 9,424 captive cervidae in New York State. These farms produce venison with a value of approximately \$1,300,000 per year. Since February 1, 2000, a total of 104 elk from 8 states and 181 deer from 12 states were imported into New York, together with 287 elk and 146 deer from Canada. During the past year, 195 elk and 165 deer were imported into New York. The value of elk range from \$500 to \$2,000 per animal. The value of deer range from \$50 to \$1,500 per animal. Using the most recent annual import data, average values of \$1,250 per animal for elk and \$775 per animal for deer, the rule would prohibit the importation of 195 elk with a value of \$243,750 and 165 deer with a value of \$127,875 on an annual basis.

(b) Costs to the agency, state and local governments:

None.

(c) Source:

Costs are based upon data from the records of the Department's Division of Animal Industry.

5. Economic and Technological Feasibility:

The economic and technological feasibility of complying with the proposed amendments has been assessed.

The rule is economically feasible. Although the prohibition, with certain exceptions, on the importation of captive deer into New York State will have an economic impact on the approximately 400 entities that imported a total of 360 captive deer into New York State last year, the economic consequences of the infection or exposure to CWD of the approximately 9,424 captive cervids already in the State would be far greater.

The rule is technologically feasible. Captive deer imported into the State are already required to be accompanied by a health certificate. Endorsement of that certificate with the number of the permit issued by the Department pursuant to the limited exceptions to the general prohibition against the importation of deer presents no technological problem.

6. Minimizing Adverse Impact:

In conformance with State Administrative Procedure Act section 202-b(1), the rule was drafted to minimize economic impact and reporting requirements for all regulated parties, including small businesses by limiting the types of deer subject to these requirements to those known to be susceptible to Chronic Wasting Disease, members of the Genus *Cervus* (red deer, elk and sika deer) and Genus *Odocoileus* (white-tailed deer and mule deer). Originally consideration was given to subjecting all members of the family cervidae to these requirements. By narrowing the scope of the rule, owners of deer such as fallow deer, which are members of the Genus *Dama*, and are not known to be susceptible to Chronic Wasting Disease will not be subject to the requirements imposed by this rule.

In addition, the exceptions for the importation and movement into the State of deer belonging to the Genus *Cervus* and the Genus *Odocoileus* for zoological parks and exhibition were designed to minimize economic impact by permitting these activities while protecting the health of the State's wild and captive deer.

The provision for issuance of a permit for importation by the endorsement of the permit number issued for such movement on the interstate health certificate already required by State and federal law is designed to minimize reporting requirements and expedite the issuance of such permits. The issuance of a permit number for deer meeting the import requirements can be done by telephone and the number can then be endorsed on the interstate health certificates already required to accompany deer entering the State. This will provide prior notice and approval of the entry of such animals into the State and facilitate the monitoring of such animals after they arrive, without unduly burdening regulated parties.

The rule would have no impact on local governments.

7. Small Business and Local Government Participation:

The Department has advised the owners of captive deer in New York State of the proposed rule by mailings utilizing the list of approximately 400 deer owners known to the Department. In addition, the Department has

notified public officials and private parties of the adoption of the proposed rule on an emergency basis, as required by the State Administrative Procedure Act.

Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas:

The approximately 400 entities raising captive deer in New York State are located throughout the rural areas of New York. The zoos are located in non-rural areas and the exhibitions take place in both rural and non-rural areas.

2. Reporting, Recordkeeping and Other Compliance Requirements and Professional Services:

Regulated parties in rural areas will be prohibited, with certain exceptions, from importing deer belonging to the Genus *Cervus* or the Genus *Odocoileus* into New York State. Those importing such deer, as permitted, for zoological parks and exhibition will be required to have the health certificate accompanying the deer endorsed with the number of the permit issued by the Department in consultation with the New York State Department of Environmental Conservation. It is not anticipated that regulated parties in rural areas will have to secure any professional services in order to comply with the rule.

3. Costs:

(a) Costs to regulated parties:

There are approximately 400 entities raising a total of approximately 9,424 captive cervidae (the family that includes deer and elk) in New York State. These farms produce venison with a value of approximately \$1,300,000 per year. Since February 1, 2000, a total of 104 elk from 8 states and 181 deer from 12 states were imported into New York, together with 287 elk and 146 deer from Canada. During the past year, 195 elk and 165 deer were imported into New York. The value of elk range from \$500 to \$2,000 per animal. The value of deer range from \$50 to \$1,500 per animal. Using the most recent annual import data, average values of \$1,250 per animal for elk and \$775 per animal for deer, the rule would prohibit the importation of 195 elk with a value of \$243,750 and 165 deer with a value of \$127,875 on an annual basis.

(b) Costs to the agency, state and local governments:

None.

(c) Source:

Costs are based upon data from the records of the Department's Division of Animal Industry.

4. Minimizing Adverse Impact:

In conformance with State Administrative Procedure Act section 202-bb(2), the rule was drafted to minimize economic impact and reporting requirements for all regulated parties, including small businesses by limiting the types of deer subject to these requirements to those known to be susceptible to Chronic Wasting Disease, members of the Genus *Cervus* (red deer, elk and sika deer) and Genus *Odocoileus* (white-tailed deer and mule deer). Originally consideration was given to subjecting all members of the family cervidae to these requirements. By narrowing the scope of the rule, owners of deer such as fallow deer, which are members of the Genus *Dama*, and are not known to be susceptible to Chronic Wasting Disease will not be subject to the requirements imposed by this rule.

In addition, the exceptions for the importation and movement into the State of deer belonging to the Genus *Cervus* and the Genus *Odocoileus* for zoological parks and exhibition were designed to minimize economic impact by permitting these activities while protecting the health of the State's wild and captive deer.

The provision for issuance of a permit for importation by the endorsement of the permit number issued for such movement on the interstate health certificate already required by State and federal law is designed to minimize reporting requirements and expedite the issuance of such permits. The issuance of a permit number for deer meeting the import requirements can be done by telephone and the number can then be endorsed on the interstate health certificates already required to accompany deer entering the State. This will provide prior notice and approval of the entry of such animals into the State and facilitate the monitoring of such animals after they arrive, without unduly burdening regulated parties.

5. Rural Area Participation:

The Department has advised the owners of captive deer in New York State of the proposed rule by mailings utilizing the list of approximately 400 deer owners known to the Department. In addition, the Department has notified public officials and private parties of the adoption of the proposed rule on an emergency basis, as required by the State Administrative Procedure Act.

Job Impact Statement

1. Nature of Impact:

It is not anticipated that there will be an impact on jobs and employment opportunities.

2. Categories and Numbers Affected:

The number of persons employed by the 400 entities engaged in raising captive deer in New York State is not known.

3. Regions of Adverse Impact:

The 400 entities in New York State engaged in raising captive deer are located throughout the rural areas of the State. The zoos are located in non-rural areas and the exhibitions take place in both rural and non-rural areas.

4. Minimizing Adverse Impact:

By helping to protect the approximately 9,424 captive deer currently raised by approximately 400 New York entities from the introduction of CWD, this rule will help to preserve the jobs of those employed in this agricultural industry.

Office of Children and Family Services

EMERGENCY RULE MAKING

Market Rates for Subsidized Child Care

I.D. No. CFS-02-04-00005-E

Filing No. 1462

Filing date: Dec. 30, 2003

Effective date: Dec. 30, 2003

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

Action taken: Amendment of sections 415.6 and 415.9 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d), 34(3)(f), 410, and 410-x(4)

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

Specific reasons underlying the finding of necessity: The adoption of these regulations on an emergency basis is necessary for the preservation of the health, safety and welfare of children in need of subsidized child care services in this State. Section 410-x(4) of the Social Services Law requires that the market rates be sufficient to ensure equal access to eligible children to comparable day care available to children whose parents are not eligible to receive a subsidy. The current market rates were initially issued in Oct. 2001 and reflect rate data collected in 2001. Accordingly, the current rates are artificially low. The adjustments to the market rates are needed to address the significantly escalating costs of providing child care services. Social services districts have experienced difficulty in recruiting and retaining providers to care for subsidized children because the actual costs of providing child care are greater than the current market rates.

Continuing to maintain the existing rates could result in subsidized families losing their child care arrangements or being unable to find appropriate child care. As a result, such families could be forced to place their children in child care settings that are inappropriate or unsafe for their children, leave their children unsupervised, or leave their jobs or training programs. If they choose the latter option, the families may remain on public assistance for longer periods of time or return to public assistance. This would directly counter the overriding purpose of welfare reform to encourage families on public assistance to move into employment or training programs. Thus, the increases in the market rates are necessary to maintain and preserve the gains achieved for poor families under welfare reform. As a result of these regulations, public assistance recipients and other low income families will not have to decide between losing their employment income and placing their children in child care that is unsafe or inappropriate.

Delaying the adoption of these regulations would be contrary to the public interest because it could result in children from public assistance or other low income families receiving unhealthy or unsafe child care, or in persons leaving jobs or training programs and returning to public assis-

tance, to the detriment of the public welfare system. Therefore, it is necessary to adopt these regulations on an emergency basis.

Subject: Market rates for subsidized child care.

Purpose: To update the market rates social services districts can pay for subsidized child care.

Text of emergency rule: Paragraph (1) of subdivision (e) of section 415.6 is amended to read as follows:

(1) Payments do not exceed the actual cost of care. *For purposes of this Part, the actual cost of care is:*

(i) *for care provided pursuant to a contract between the social services district and the provider, the payment rate set forth in the contract;*

(ii) *for care provided other than pursuant to a contract between the social services district and the provider, the amount charged to the general public for equal care in the providing facility or home; provided, however, if the facility or home cares only for subsidized children, then the actual cost of care is the amount the provider currently is receiving from the social services district for such children unless the provider can demonstrate to the social services district that the actual cost of providing care to such children is higher than that amount.*

Subdivision (j) of section 415.9 is amended as follows and a new rate schedule is added to read as follows:

(j) Effective [December 31, 2001] *October 1, 2003*, following are the local market rates for each social services district set forth by the type of provider, the age of the child and the amount of time the child care services are provided per week. The market rates are established in five groupings of social services districts. Except for districts noted *as an exception* [with an asterisk (*)] in the market rate schedule, the rates established for a group apply to all districts in the designated group. The district groupings are as follows:

- Group A: Nassau, Putnam, Rockland, Suffolk, Westchester*
- Group B: Columbia, Erie, Monroe, Onondaga, Ontario, Rensselaer, Saratoga, Schenectady, Tompkins, Warren*
- Group C: Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Montgomery, Niagara, Oneida, Orleans, Oswego, Otsego, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben, Sullivan, Tioga, Washington, Wayne, Wyoming, Yates*
- Group D: Albany, Dutchess, Orange, Ulster*
- Group E: Bronx, Kings, New York, Queens, Richmond*

<i>GROUP A COUNTIES: Nassau, Putnam, Rockland, Suffolk, and Westchester</i>				
<i>Age of Child:</i>	<i>Under 1½</i>	<i>1½ - 2</i>	<i>3 - 5</i>	<i>6 - 12</i>
DAY CARE CENTER				
<i>Weekly</i>	\$260.00	\$240.00	\$215.00	\$215.00
<i>Exceptions</i>				
<i>Westchester</i>	\$300.00	\$281.00	\$233.00	-----
<i>Daily</i>	\$65.00	\$60.00	\$54.00	\$54.00
<i>Exceptions</i>				
<i>Westchester</i>	\$75.00	\$70.00	\$58.00	-----
<i>Part-Day</i>	\$43.00	\$40.00	\$36.00	\$36.00
<i>Exceptions</i>				
<i>Westchester</i>	\$50.00	\$47.00	\$39.00	-----
<i>Hourly</i>	\$8.00	\$8.50	\$7.50	\$7.00
REGISTERED FAMILY DAY CARE				
<i>Weekly</i>	\$225.00	\$225.00	\$220.00	\$200.00
<i>Daily</i>	\$56.00	\$56.00	\$55.00	\$50.00
<i>Part-Day</i>	\$37.00	\$37.00	\$37.00	\$33.00
<i>Hourly</i>	\$8.00	\$8.00	\$7.00	\$7.00
GROUP FAMILY DAY CARE				
<i>Weekly</i>	\$233.00	\$225.00	\$220.00	\$225.00
<i>Daily</i>	\$58.00	\$56.00	\$55.00	\$56.00
<i>Part-Day</i>	\$39.00	\$37.00	\$37.00	\$37.00
<i>Hourly</i>	\$8.00	\$7.00	\$7.00	\$7.00
SCHOOL AGE CHILD CARE				
<i>Weekly</i>	\$0.00	\$0.00	\$0.00	\$215.00
<i>Daily</i>	\$0.00	\$0.00	\$0.00	\$54.00
<i>Part-Day</i>	\$0.00	\$0.00	\$0.00	\$36.00
<i>Hourly</i>	\$0.00	\$0.00	\$0.00	\$7.00
LEGALLY-EXEMPT FAMILY CHILD CARE AND IN-HOME CHILD CARE				
<i>Weekly</i>	\$158.00	\$158.00	\$154.00	\$140.00
<i>Daily</i>	\$40.00	\$40.00	\$39.00	\$35.00
<i>Part-Day</i>	\$27.00	\$27.00	\$26.00	\$23.00
<i>Hourly</i>	\$5.60	\$5.60	\$4.90	\$4.90

GROUP B COUNTIES: Columbia, Erie, Monroe, Onondaga, Ontario, Rensselaer, Saratoga, Schenectady, Tompkins and Warren

Age of Child:	Under 1½	1½ - 2	3 - 5	6 - 12
DAY CARE CENTER				
Weekly	\$178.00	\$170.00	\$157.00	\$150.00
Daily	\$45.00	\$43.00	\$39.00	\$38.00
Part-Day	\$30.00	\$27.00	\$26.00	\$25.00
Hourly	\$7.00	\$7.00	\$6.25	\$7.00

REGISTERED FAMILY DAY CARE				
Weekly	\$135.00	\$130.00	\$125.00	\$125.00
<i>Exceptions</i>				
Columbia	\$140.00	-----	-----	-----
Erie	\$150.00	\$150.00	\$135.00	\$135.00
Saratoga	\$140.00	\$140.00	-----	\$130.00
Warren	-----	-----	-----	\$130.00
Daily	\$34.00	\$33.00	\$31.00	\$31.00
<i>Exceptions</i>				
Columbia	\$35.00	-----	-----	-----
Erie	\$38.00	\$38.00	\$34.00	\$34.00
Saratoga	\$35.00	\$35.00	-----	\$33.00
Warren	-----	-----	-----	\$33.00
Part-Day	\$23.00	\$22.00	\$21.00	\$21.00
<i>Exceptions</i>				
Erie	\$25.00	\$25.00	\$23.00	\$23.00
Saratoga	-----	\$23.00	-----	\$22.00
Warren	-----	-----	-----	\$22.00
Hourly	\$5.00	\$5.00	\$5.00	\$4.00

GROUP FAMILY DAY CARE				
Weekly	\$150.00	\$140.00	\$135.00	\$130.00
Daily	\$38.00	\$35.00	\$34.00	\$33.00
Part-Day	\$25.00	\$23.00	\$23.00	\$22.00
Hourly	\$5.00	\$5.00	\$5.00	\$5.00

SCHOOL AGE CHILD CARE				
Weekly	\$0.00	\$0.00	\$0.00	\$150.00
Daily	\$0.00	\$0.00	\$0.00	\$38.00
Part-Day	\$0.00	\$0.00	\$0.00	\$25.00
Hourly	\$0.00	\$0.00	\$0.00	\$7.00

LEGALLY-EXEMPT FAMILY CHILD CARE AND IN-HOME CHILD CARE				
Weekly	\$95.00	\$91.00	\$88.00	\$88.00
Daily	\$24.00	\$23.00	\$22.00	\$22.00
Part-Day	\$16.00	\$15.00	\$15.00	\$15.00
Hourly	\$3.50	\$3.50	\$3.50	\$2.80

GROUP C COUNTIES: Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Montgomery, Niagara, Oneida, Orleans, Oswego, Otsego, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben, Sullivan, Tioga, Washington, Wayne, Wyoming, and Yates

Age of Child:	Under 1½	1½ - 2	3 - 5	6 - 12
DAY CARE CENTER				
Weekly	\$150.00	\$145.00	\$136.00	\$125.00
Daily	\$38.00	\$36.00	\$34.00	\$31.00
Part-Day	\$25.00	\$24.00	\$23.00	\$21.00
Hourly	\$5.00	\$5.00	\$4.50	\$5.00

REGISTERED FAMILY DAY CARE				
Weekly	\$125.00	\$125.00	\$120.00	\$120.00
<i>Exceptions</i>				
Clinton	-----	-----	-----	\$135.00
Sullivan	-----	-----	-----	\$125.00
Daily	\$31.00	\$31.00	\$30.00	\$30.00
<i>Exceptions</i>				
Clinton	-----	-----	-----	\$34.00
Sullivan	-----	-----	-----	\$31.00
Part-Day	\$21.00	\$21.00	\$20.00	\$20.00
<i>Exceptions</i>				
Clinton	-----	-----	-----	\$23.00
Sullivan	-----	-----	-----	\$21.00
Hourly	\$3.00	\$3.00	\$3.00	\$3.00

GROUP FAMILY DAY CARE				
Weekly	\$135.00	\$130.00	\$125.00	\$120.00
Daily	\$34.00	\$33.00	\$31.00	\$30.00
Part-Day	\$23.00	\$22.00	\$21.00	\$20.00
Hourly	\$4.00	\$4.00	\$4.00	\$4.00

SCHOOL AGE CHILD CARE				
Weekly	\$0.00	\$0.00	\$0.00	\$125.00
Daily	\$0.00	\$0.00	\$0.00	\$31.00
Part-Day	\$0.00	\$0.00	\$0.00	\$21.00
Hourly	\$0.00	\$0.00	\$0.00	\$5.00

LEGALLY-EXEMPT FAMILY CHILD CARE AND IN-HOME CHILD CARE				
Weekly	\$88.00	\$88.00	\$84.00	\$84.00
Daily	\$22.00	\$22.00	\$21.00	\$21.00
Part-Day	\$15.00	\$15.00	\$14.00	\$14.00
Hourly	\$2.10	\$2.10	\$2.10	\$2.10

GROUP D COUNTIES: Albany, Dutchess, Orange, and Ulster

Age of Child:	Under 1½	1½ - 2	3 - 5	6 - 12
DAY CARE CENTER				
Weekly	\$195.00	\$177.00	\$165.00	\$176.00
Daily	\$49.00	\$44.00	\$41.00	\$44.00
Part-Day	\$33.00	\$29.00	\$27.00	\$29.00
Hourly	\$6.00	\$6.30	\$6.30	\$6.00

REGISTERED FAMILY DAY CARE				
Weekly	\$175.00	\$165.00	\$150.00	\$150.00
<i>Exceptions</i>				
Dutchess	-----	\$180.00	\$175.00	\$180.00
Orange	-----	-----	-----	\$175.00
Daily	\$44.00	\$41.00	\$38.00	\$38.00
<i>Exceptions</i>				
Dutchess	-----	\$45.00	\$44.00	\$45.00
Orange	-----	\$44.00	-----	-----
Part-Day	\$29.00	\$27.00	\$25.00	\$25.00
<i>Exceptions</i>				
Dutchess	-----	\$30.00	\$29.00	\$30.00
Orange	-----	-----	-----	\$29.00
Hourly	\$6.00	\$5.00	\$5.00	\$5.00

GROUP FAMILY DAY CARE				
Weekly	\$175.00	\$175.00	\$165.00	\$160.00
Daily	\$44.00	\$44.00	\$41.00	\$40.00
Part-Day	\$29.00	\$29.00	\$27.00	\$27.00
Hourly	\$6.00	\$6.00	\$5.00	\$5.00

SCHOOL AGE CHILD CARE				
Weekly	\$0.00	\$0.00	\$0.00	\$176.00
Daily	\$0.00	\$0.00	\$0.00	\$44.00
Part-Day	\$0.00	\$0.00	\$0.00	\$29.00
Hourly	\$0.00	\$0.00	\$0.00	\$6.00

LEGALLY-EXEMPT FAMILY CHILD CARE AND IN-HOME CHILD CARE				
Weekly	\$123.00	\$116.00	\$105.00	\$105.00
Daily	\$31.00	\$29.00	\$26.00	\$26.00
Part-Day	\$21.00	\$19.00	\$17.00	\$17.00
Hourly	\$4.20	\$3.50	\$3.50	\$3.50

GROUP E COUNTIES: Bronx, Kings, New York, Queens, and Richmond

Age of Child:	Under 1½	1½ - 2	3 - 5	6 - 12
DAY CARE CENTER				
Weekly	\$267.00	\$255.00	\$180.00	\$177.00
Daily	\$67.00	\$64.00	\$45.00	\$44.00
Part-Day	\$45.00	\$43.00	\$30.00	\$29.00
Hourly	\$13.75	\$17.00	\$13.00	\$11.65

REGISTERED FAMILY DAY CARE				
Weekly	\$135.00	\$130.00	\$125.00	\$125.00
Daily	\$34.00	\$33.00	\$31.00	\$31.00
Part-Day	\$23.00	\$22.00	\$21.00	\$21.00
Hourly	\$15.00	\$10.00	\$11.00	\$11.60

GROUP FAMILY DAY CARE				
Weekly	\$150.00	\$150.00	\$145.00	\$135.00
Daily	\$38.00	\$38.00	\$36.00	\$34.00
Part-Day	\$25.00	\$25.00	\$24.00	\$23.00
Hourly	\$15.00	\$13.00	\$11.00	\$16.00

SCHOOL AGE CHILD CARE				
Weekly	\$0.00	\$0.00	\$0.00	\$177.00
Daily	\$0.00	\$0.00	\$0.00	\$44.00
Part-Day	\$0.00	\$0.00	\$0.00	\$29.00
Hourly	\$0.00	\$0.00	\$0.00	\$11.65

LEGALLY-EXEMPT FAMILY CHILD CARE AND IN-HOME CHILD CARE				
Weekly	\$95.00	\$91.00	\$88.00	\$88.00
Daily	\$24.00	\$23.00	\$22.00	\$22.00
Part-Day	\$16.00	\$15.00	\$15.00	\$15.00
Hourly	\$10.50	\$7.00	\$7.70	\$8.12

SPECIAL NEEDS
 The rate of payment for child care services provided to a child determined to have special needs is the actual cost of care up to the statewide limit of the highest weekly, daily, part-day or hourly market rate for child care services in the State, as applicable, based on the amount of time the child care services are provided per week regardless of the type of child care provider used or the age of the child.
 The highest applicable market rates in the State are:
 Weekly \$300.00
 Daily \$75.00
 Part-Day \$50.00
 Hourly \$17.00

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 March 28, 2004.
Text of emergency rule and any required statements and analyses may be obtained from: Public Information Office, Office of Children and

Family Services, 52 Washington St., Rensselaer, NY 12144, (518) 473-7793

Regulatory Impact Statement

1. Statutory authority:

Section 20(3)(d) of the Social Services Law (SSL) authorizes the Commissioner of the Office of Children and Family Services (Office) to establish rules, regulations and policies to carry out the Office's powers and duties under the SSL.

Section 34(3)(f) of SSL authorizes the Commissioner to establish regulations for the administration of public assistance and care within the State.

Section 410 of the SSL authorizes a social services official of a county, city or town to provide day care for children at public expense and authorizes the Office to establish criteria for when such day care is to be provided.

Section 410-x(4) of the SSL requires the Office to establish, in regulation, the applicable market-related payment rate that will establish a ceiling for State and federal reimbursement for payments made under the New York Child Care Block Grant. The amount to be paid or allowed for child care assistance funded under the block grant and under Title XX shall be the actual cost of care but no more than the applicable rate established in regulations. Payment rates must be sufficient to ensure equal access for eligible children to comparable child care assistance in the substate area that are provided to children whose parents are not eligible to receive assistance under any federal or State programs. Payment rates must take into account the variations in the costs of providing child care in different settings and to children of different age groups, and the additional cost of providing child care for children with special needs.

Federal statute, 42 USC 9858c(C)(4)(A), and federal regulation, 45 CFR 98.43(a), also require that the State establish payment rates for federally-funded child care subsidies that are sufficient to ensure such equal access for eligible children. Additionally, federal regulation 45 CFR 98.43(b)(2) requires that payment rates be based on a local market survey conducted no earlier than two years prior to the effective date of the currently approved State plan for the Child Care and Development Fund. The current State Plan covers the period of October 1, 2003 through September 30, 2005. The market rates that are being replaced were issued in October of 2001 and were based on a survey conducted in 2001.

2. Legislative objectives:

The legislative intent is to have child care subsidy payment rates that reflect market conditions and that are adequate to enable subsidized families to access child care services comparable to other families not in receipt of a child care subsidy.

3. Needs and benefits:

The regulations are needed to adjust existing rates that were established based on a survey done in 2001. Since then, child care providers have experienced increased costs in operating their businesses. These costs are reflected in the higher rates that they are charging as compared to the existing rates. The rates need to be updated to reflect the increased rates in order to continue to provide subsidized families with equal access to child care comparable to that received by unsubsidized families as required by federal and State laws.

The methodology used by the Office to establish the payment rates for the regulations meets the federal and State statutory requirements for conducting a local survey of child care providers. Prior to conducting the market rate survey, the Office convened a work group of stakeholders including local department of social services, family advocacy groups and provider organizations. These stakeholders provided input in the development of the market rate methodology and the process used to survey child care providers. Based upon stakeholder recommendations, a letter was mailed to all licensed and registered providers to inform them that they might be among the sample of providers who would be asked to participate in the market rate survey. The Office contracted with a market research firm to conduct the telephone survey in English and Spanish and had resources available to assist providers in other languages. The sample was drawn so that it encompassed the full range of providers within all geographic areas.

The payment rates were established based on approximately 4,000 completed telephone market rate surveys from licensed and registered providers throughout the State. Providers were asked for the rates they charge for full-time and part-time care, if applicable, based on the age of the child.

These rates were analyzed to determine the 75th percentile. The federal Administration of Children and Families has indicated in the preamble to the final rule for the Child Care and Development Fund that it regards the 75th percentile of the actual cost of care as sufficient to provide subsidized

parents with equal access to child care providers. The rates that resulted were then clustered into five distinct groupings of social services districts based on rate similarities. Within each group, rates are differentiated by type of provider (*i.e.* day care center, school-age child care, family day care, group family day care and legally-exempt family child care and in-home child care), age of child (*i.e.* under 1½, 1½-2, 3-5, 6-12), and amount of time in care (*i.e.*, weekly, daily, part-day, and hourly). This data was compiled and analyzed by Eric Petersen, Assistant Director within the Office's Bureau of Budget Management.

The market rates for legally-exempt family child care and in-home child care were established based on a 70 percent differential applied to the market rate established for family day care. This differential reflects the higher costs associated with meeting the higher regulatory standards to become a registered family day care provider.

Revising the existing rates will help subsidized families to avoid losing their child care arrangements or being unable to find appropriate child care. This will help prevent such families from being forced to place their children in child care settings that are inappropriate or unsafe or to leave their children unsupervised. Avoiding such results is important because it can be detrimental to children's development for them to experience disruption in care or to receive substandard or no care at all. The updated rates also will help subsidized families avoid having to choose whether to use their own income to supplement the cost of child care services, thereby enabling the families to use their limited family income for other basic living costs.

Social services districts are required to make payments based on the actual cost of care up to the applicable market rate. The regulations amend the definition of actual cost of care to clarify how that cost should be determined for those providers that only serve subsidized children and that do not have a contract with the applicable social services district. For each of those providers, the actual cost of care is the amount the provider currently receives from the district for subsidized children unless the provider can demonstrate that the actual cost of providing care to such children is higher than that amount. As a result of this clarification, social services districts will need to review the payments for these providers to determine whether the payments reflect the revised definition of actual cost of care up to applicable market rates.

4. Costs:

Under section 410-v(2) of the SSL, the State is responsible for reimbursing social services districts for 75 percent of the costs of providing subsidized child care services to public assistance recipients; districts are responsible for the other 25 percent of such costs. In addition, the State is responsible for reimbursing districts for 100 percent of the costs of providing child care services to other eligible low-income families. The State reimbursement for these child care services is made from the State and/or federal funds allocated to the State Child Care Block Grant, and is limited on an annual basis to each district's State Child Care Block Grant allocation for that year. Districts that exceed their Block Grant allocations for a particular year may receive additional reimbursement under the Child Care Reserve Fund provided monies are appropriated for that Fund.

Under the State Budget for SFY 2003-04, social services districts will receive their allocations of \$694,543,234 in federal and State funds under the New York State Child Care Block Grant, an increase of \$38 million from the amount allocated to districts for SFY 2002-03. In addition, districts that are projected to use all of their Block Grant allocations will receive allocations from \$78 million available under the Child Care Reserve Fund for federal fiscal year 2002-2003 and from an amount to be determined under the Child Care Reserve Fund for federal fiscal year 2003-2004. These increases in funding are sufficient to cover the increased payments by social services districts due to the implementation of the new market rates as well as to allow for growth in the number of children receiving child care services.

5. Local government mandates:

Social services districts will be required to make payments for subsidized child care services based on the actual cost of care up to the new market rates. Districts will need to review cases to determine whether the payments reflect the actual cost of care up to applicable market rates. Payment adjustments will have to be made, as needed.

6. Paperwork:

Social services districts will need to process any required payment adjustments after conducting the necessary case reviews.

7. Duplication:

The new requirements do not duplicate any existing State or federal requirements.

8. Alternatives:

The adjustments in rates set forth in the regulations are necessary to implement the federal and State statutory and regulatory mandates.

9. Federal standards:

The regulations are consistent with applicable federal regulations. 45 CFR 98.43(a) and (b)(2) and (3) require that the State establish payment rates that are sufficient to ensure equal access to comparable care received by unsubsidized families, based on a survey of providers and consistent with the parental choice provisions in 45 CFR 98.30.

10. Compliance schedule:

These provisions must be implemented effective on October 1, 2003.

Regulatory Flexibility Analysis

1. Effect on small businesses and local governments:

The adjustments to the child care market rates will affect the 58 social services districts. There is a potential effect on over 20,000 licensed and registered child care providers and an estimated 29,000 informal providers.

2. Compliance requirements:

Social services districts will be required to make payments for subsidized child care services based on the actual cost of care up to the new market rates. Districts will need to review cases to determine whether the payments reflect the actual cost of care up to the new market rates. Payment adjustments will have to be made, as needed.

3. Professional services:

Neither social services districts nor child care providers should have to hire additional professional staff in order to implement these regulations.

4. Compliance costs:

Under section 410-v(2) of the Social Service Law, the State is responsible for reimbursing social services districts for 75 percent of the costs of providing subsidized child care services to public assistance recipients; districts are responsible for the other 25 percent of such costs. In addition, the State is responsible for reimbursing districts for 100 percent of the costs of providing child care services to other eligible low-income families. The State reimbursement for these child care services is made from the State and/or federal funds allocated to the State Child Care Block Grant, and is limited on an annual basis to each district's State Child Care Block Grant allocation for that year. Districts that exceed their Block Grant allocations for a particular year may receive additional reimbursement under the Child Care Reserve Fund provided monies are appropriated for that Fund.

Under the State Budget for SFY 2003-04, social services districts will receive their allocations of \$694,543,234 in federal and State funds under the New York State Child Care Block Grant, an increase of \$38 million from the amount allocated to districts for SFY 2002-03. In addition, districts that are projected to use all of their Block Grant allocations will receive allocations from the \$78 million available under the Child Care Reserve Fund for federal fiscal year 2002-2003 and from an amount to be determined under the Child Care Reserve Fund for federal fiscal year 2003-2004. These increases in funding are sufficient to cover the increased payments by social services districts due to the implementation of the new market rates as well as to allow for growth in the number of children receiving child care services.

5. Economic and technological feasibility:

The child care providers and social services districts affected by the regulations have the economic and technological ability to comply with the regulations.

6. Minimizing adverse impact:

Federal regulation 45 CFR 98.43(b)(2) requires that payment rates be based on a local market survey conducted no earlier than two years prior to the effective date of the currently approved State plan for the Child Care and Development Fund. Prior to conducting the market rate survey the Office convened a work group of stakeholders including local department of social services, family advocacy groups and provider organizations. These stakeholders provided input in the development of the market rate methodology and the process used to survey child care providers.

The market rates were developed in accordance with federal guidelines for conducting a survey of child care providers. The Office took a representative sample of approximately 4,000 licensed and registered child care providers throughout the State. The rates were analyzed to establish the market rates at the 75th percentile of the amounts charged in accordance with guidelines issued in the Child Care and Development Fund Final Rule. The market rates are clustered into five distinct groupings of counties based on similarities in rates among the counties in each group. As a result, the rates established for counties are based on the actual costs of care within the counties.

Social services districts will benefit from the increases in the rates. The increases will enable districts to provide public assistance recipients and

low-income families receiving subsidized child care services with access to additional child care providers. This will assist these districts to enable more public assistance and low-income families to work, thereby reducing the number of families in need of public assistance. It also should assist the districts in meeting their federal participation rates for Temporary Assistance (TA) recipients because there should be a reduction in the number of TA recipients who are excused from work activities due to a lack of child care.

Child care providers also will benefit from the increases in the market rates. The adjustments to the market rates will help address the escalating costs incurred by child care providers in operating their businesses. These providers will also be in a better position to serve low-income families who previously may not have had access to their programs due to their rates.

7. Small business and local government participation:

In accordance with federal regulatory requirements, OCFS conducted a telephone survey of a sample of regulated providers. Prior to conducting the telephone survey, a letter was sent to all regulated child care providers to inform them that they might be included among the sample of providers called to participate in the market rate survey. A copy of the questions was also sent so that providers could prepare responses. A market research firm conducted the telephone survey in English and in Spanish, as needed, and had the resources available to assist providers in other languages, if needed. Rate data was collected from almost 4,000 providers and that information formed the basis for the updated market rates.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The regulations will affect the 44 social services districts located in rural areas of the State and the child care providers located in those districts.

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

The regulations will not result in any new reporting or recordkeeping requirements for social services districts.

Social services districts will be required to make payments for subsidized child care services based on the actual cost of care up to the new market rates. Districts will need to review cases to determine if the payments reflect the actual cost of care up to the new market rates. Payment adjustments will have to be made, as needed.

Neither social services districts nor child care providers should have to hire additional professional staff in order to implement these regulations.

3. Costs:

Under section 410-v(2) of the Social Services Law, the State is responsible for reimbursing social services districts for 75 percent of the costs of providing subsidized child care services to public assistance recipients; districts are responsible for the other 25 percent of such costs. In addition, the State is responsible for reimbursing districts for 100 percent of the costs of providing child care services to other eligible low-income families. The State reimbursement for these child care services is made from the State and/or federal funds allocated to the State Child Care Block Grant, and is limited on an annual basis to each district's State Child Care Block Grant allocation for that year. Districts that exceed their Block Grant allocations for a particular year may receive additional reimbursement under the Child Care Reserve Fund provided monies are appropriated for that Fund.

Under the State Budget for SFY 2003-04, social services districts will receive their allocations of \$694,543,234 in federal and State funds under the New York State Child Care Block Grant, an increase of \$38 million from the amount allocated to districts for SFY 2002-03. In addition, districts that are projected to use all of their Block Grant allocations will receive allocations from \$78 million available under the Child Care Reserve Fund for federal fiscal year 2002-2003 and from an amount to be determined under the Child Care Reserve Fund for federal fiscal year 2003-2004. These increases in funding are sufficient to cover the increased payments by social services districts due to the implementation of the new market rates as well as to allow for growth in the number of children receiving child care services.

4. Minimizing adverse impact:

The market rates were developed in accordance with federal guidelines for conducting a survey of child care providers. The Office took a representative sample of approximately 4,000 completed surveys from licensed and registered child care providers throughout the State. The rates were analyzed to establish market rates at the 75th percentile of the amounts charged. The market rates are clustered into five distinct groupings of counties based on similarities in rates among the counties in each group.

As a result, the rates established for rural counties are based on the actual costs of care within the counties.

Social services districts in rural areas will benefit from the increases in the rates. The increases will enable districts to provide public assistance recipients and low-income families receiving subsidized child care services with access to additional child care providers. This will assist these districts to enable more public assistance and low-income families to work, thereby reducing the number of families in need of public assistance. It also should assist the districts in meeting their federal participation rates for Temporary Assistance (TA) recipients because there should be a reduction in the number of TA recipients who are excused from work activities due to a lack of child care.

Child care providers in rural areas also will benefit from the increases in the market rates. The adjustments to the market rates will help address the escalating costs incurred by child care providers in operating their businesses. These providers will also be in a better position to serve low-income families who previously may not have had access to their programs due to their rates.

5. Rural area participation:

Federal regulation 45 CFR 98.43(b)(2) requires that payment rates be based on a local market survey conducted no earlier than two years prior to the effective date of the currently approved State plan for the Child Care and Development Fund. Prior to conducting the market rate survey the Office convened a work group of stakeholders including local departments of social services, family advocacy groups and provider organizations. Several rural departments of social services districts and the New York State Public Welfare Association were invited to attend. The Family Day Care Association of New York State, which has a strong representation from rural areas in its membership, participated in the workgroup. The workgroup provided input in the development of the market rate methodology and the process used to survey child care providers.

In accordance with the federal regulatory requirements, OCFS conducted a telephone survey of a sample of regulated providers. The sample drawn was representative of the regions across the State and, therefore, providers located in rural areas were appropriately represented in the survey. Prior to conducting the telephone survey, a letter was sent to all regulated child care providers to inform them that they might be included among the sample of providers called to participate in the market rate survey. A copy of the questions was also sent so that providers could prepare responses. A market research firm conducted the telephone survey in English and in Spanish, as needed, and had resources available to assist providers in other languages, if needed. Rate data was collected from almost 4,000 providers and that information formed the basis for the updated market rates.

Job Impact Statement

Section 201-a of the State Administrative Procedures Act requires a job impact statement to be filed if proposed regulations will have an adverse impact on jobs and employment opportunities in the State.

These regulations will have a positive impact on jobs or employment opportunities as the increased rates will allow child care providers to hire additional staff or improve the compensation they pay existing staff. Individuals who may have been discouraged from starting up new child care programs in low-income communities because the existing rates would not have been sufficient to support their operational costs may be encouraged by the new rates to establish such programs. In addition, by making child care more available and affordable for low-income working families, the regulations will improve the ability of employers to attract and retain employees and the ability of low-income workers to obtain and maintain jobs.

NOTICE OF CONTINUATION NO HEARING(S) SCHEDULED

Administration of Medication to Children in Day Care

I.D. No. CFS-30-03-00003-C

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

The notice of proposed rule making, I.D. No. CFS-30-03-00003-P was published in the *State Register* on July 30, 2003.

Subject: Administration of medication to children in child day care settings.

Purpose: To maintain and regulate the ability of child day care providers licensed or otherwise regulated by the Office of Children and Family Services to administer medication to children in a child day care setting.

Substance of rule: The amended regulations will provide more detail on the standards for administration of medications to children in day care. Amendments will be made to 18 NYCRR sections 414.11, 416.11, 417.11, 418-1.11 and 418-2.11 to modify and expand the requirements for administration of medications in, respectively, school-aged child care programs, group family day care homes, family day care homes, day care centers and small day care centers. Amendments will also be made to 18 NYCRR section 413.2 to add and amend relevant definitions, and to 18 NYCRR section 415.4(f) to clarify the limitations on the ability of informal day care providers to administer medications.

Changes to rule: No substantive changes.

Expiration date: July 29, 2004.

Text of proposed rule and changes, if any, may be obtained from: Public Information Office, Office of Children and Family Services, 52 Washington St., Rensselaer, NY 12144, (518) 473-7793

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

Department of Correctional Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Double-Cell Housing

I.D. No. COR-02-04-00004-P

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

Proposed action: This is a consensus rule making to amend section 1701.5(c)(6)(i) of Title 7 NYCRR.

Statutory authority: Correction Law, section 112

Subject: Double-cell housing.

Purpose: To correct an omission from revisions to Part 1701, adopted Sept. 5, 2001, which deleted words referring to inmates as smokers or non-smokers.

Text of proposed rule: Revise subparagraph (i) of paragraph (6) of subdivision (c) of section 1701.5 as indicated:

(i) Medical records screening. The deputy superintendent of security or designee shall provide a list of inmates under consideration for double-cell housing to the facility health services director or designee. The facility health staff shall conduct a medical records review prior to possible double-cell assignment and advise the deputy superintendent of security or designee of the existence of a medical condition that would preclude double-cell housing[,] or require placement in a bottom bunk bed [or require an inmate to be housed in a cell with a nonsmoker].

Text of proposed rule and any required statements and analyses may be obtained from: Anthony J. Annucci, Deputy Commissioner and Counsel, Department of Correctional Services, Bldg. 2, State Campus, Albany, NY 12226-2050, (518) 457-4951

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

Public comment will be received until: 45 days after publication of this notice.

Consensus Rule Making Determination

The Department of Correctional Services has determined that no person is likely to object to the proposed rule as written because it merely corrects an omission to amendments adopted September 5, 2001 eliminating smoking status from the criteria used to evaluate the compatibility of two candidates for double-cell housing. The Department has prohibited indoor smoking since January 1, 2001. Accordingly, there is no longer a need to distinguish between smokers and non-smokers and when assigning inmates to double-cell cell housing.

Job Impact Statement

A job impact statement is not submitted because this proposed rule will have no adverse impact on jobs or employment opportunities. This proposal merely corrects an omission from revisions to Part 1701, adopted Sept. 5, 2001, which deleted words referring to inmates as smokers or non-smokers.

Department of Health

EMERGENCY RULE MAKING

Treatment of Opiate Addiction

I.D. No. HLT-37-03-00001-E

Filing No. 1467

Filing date: Dec. 24, 2003

Effective date: Dec. 24, 2003

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

Action taken: Amendment of section 80.86 and addition of section 80.84 to Title 10 NYCRR.

Statutory authority: Public Health Law, sections 3308(2), 3351 and 3352

Finding of necessity for emergency rule: Preservation of public health.

Specific reasons underlying the finding of necessity: We are proposing that these regulations be adopted on an emergency basis because immediate adoption of the regulations is necessary to protect the public health and safety. The regulations are based on the federal Drug Addiction Treatment Act of 2000 (DATA), which dramatically expands opioid dependent patients' access to treatment of addiction. The provisions in the DATA become effective immediately upon the FDA approval of a Schedule III-V controlled substance for the treatment of opiate addiction. A product containing buprenorphine just received FDA approval for such use and is the first such product to receive FDA approval for this indication.

Pre-existing Public Health Law requires the Commissioner to specifically designate in regulation any controlled substance approved for the treatment of opiate addiction.

The proposed amendments to Part 80 specifically state that buprenorphine may be utilized for the treatment of opiate addiction. Due to its significant potential for abuse and diversion, it is important that the department monitor the prescribing, administering and dispensing of buprenorphine by pharmacies and physicians. Such monitoring can be accomplished by the registration of physicians and pharmacies and by requiring dispensers to transmit such prescription data to the department.

These regulations are necessary to protect the public from the significant abuse potential of buprenorphine, while still allowing access to legitimate treatment. Greater access to addiction treatment will promote health for the opiate dependent patient, and protect society at large by reducing the violence associated with drug crimes. Public health will be protected by allowing opiate dependent patients a legal means of maintaining their disease, as an alternative to seeking drugs from illegal sources.

Subject: Treatment of opiate addiction.

Purpose: To allow treatment of opiate addiction in an office-based setting while curtailing controlled substance diversion.

Text of emergency rule: Section 80.84 is added to read as follows:

80.84 Physicians and pharmacies; prescribing, administering and dispensing for the treatment of narcotic addiction.

Pursuant to the provisions of the federal Drug Addiction Treatment Act of 2000 (106 P.L. 310, Div. B, Title XXXV, Section 3502(a)), an authorized physician may prescribe, administer or dispense an approved controlled substance, and a licensed registered pharmacist may dispense an approved controlled substance, to a patient participating in an authorized controlled substance maintenance program approved pursuant to Article 32 of the Mental Hygiene Law for the treatment of narcotic addiction.

(a) An approved controlled substance shall mean the following controlled substance which has been approved by the Food and Drug Administration (FDA) and the New York State Department of Health for the treatment of narcotic addiction:

(1) buprenorphine

(b) An authorized physician is a physician registered with the department to prescribe, administer or dispense an approved controlled substance for the treatment of narcotic addiction pursuant to this section and specifically registered with the Drug Enforcement Administration to prescribe, administer or dispense an approved controlled substance for the treatment of narcotic addiction, and approved for such purpose pursuant to the provisions of Article 32 of the Mental Hygiene Law.

(1) The total number of such patients of an authorized physician or group practice at any one time shall not exceed 30.

(2) A physician must register with the department every two years to provide such treatment. Such registration will be provided at no cost.

(3) An authorized physician prescribing an approved controlled substance for the treatment of narcotic addiction, in addition to preparing and signing a prescription in accordance with Section 3335 of the Public Health Law, shall also write his/her unique DEA identification number on the prescription.

(4) An authorized physician dispensing an approved controlled substance for the treatment of narcotic addiction shall file with the department a report summarizing the dispensing by the 10th day of the month following the month in which the approved controlled substance was dispensed. Such report shall be distinct from the patient's medical record, and prepared on forms provided by the department which will include but not be limited to the following information:

(i) patient name;

(ii) patient address, including street, city, state, zip code;

(iii) patient date of birth;

(iv) patient's sex;

(v) date of dispensing;

(vi) metric quantity;

(vii) national drug Code number of the drug;

(viii) number of days supply;

(ix) prescriber's Narcotic Addiction Drug Enforcement Administration number;

(x) date prescription written;

(c) An authorized pharmacy is a pharmacy registered with the department to dispense an approved controlled substance for the treatment of narcotic addiction.

(1) A pharmacy must register with the department every two years to provide such treatment. Such registration will be provided at no cost.

(2) A pharmacist may dispense an approved controlled substance for the treatment of narcotic addiction pursuant to a prescription issued by an authorized physician. Such dispensing shall be in accordance with Section 3336 of the Public Health Law.

(3) A pharmacist dispensing such a prescription shall file the prescription information with the department either electronically in accordance with Section 80.73 (c)(2) of this Part, or manually on an approved departmental form. The pharmacist shall report the practitioner's narcotic addiction treatment registration number in lieu of the practitioner's Drug Enforcement Administration registration number.

(d) Each incident or alleged incident involving the theft, loss or possible diversion of controlled substances shall also be reported to the department immediately.

Section 80.86 is amended to read as follows:

80.86 Records and reports of treatment programs. (a) All persons approved pursuant to article [23] 32 of the Mental Hygiene Law to operate a [substance abuse] chemical dependence program, other than authorized physicians and pharmacists as defined in Section 80.84 of this Part who are registered with the department to prescribe, administer or dispense approved controlled substances for the treatment of narcotic addiction, and who possess a Federal registration by the Drug Enforcement Administration, United States Department of Justice to purchase, possess and use controlled substances shall keep the following records:

(1) records of controlled substances received by approved persons including date of receipt, name and address of distributor, type and quantity of such drugs received and the signature of the individual receiving the controlled substance. A duplicate invoice or separate itemized list furnished by the distributor will be sufficient to satisfy this record requirement provided it includes all required information and is maintained in a separate file. In addition, duplicate copies of Federal order forms for schedule II controlled substances must be retained; and

(2) records of controlled substances administered or dispensed including date of administration or dispensing, name of patient, signature of person administering or dispensing, type and quantity of drug and such other information as may be required by this Part.

(b) By the 10th day of each month, a person other than an authorized physician as defined in Section 80.84(b) of this Part, approved to conduct a maintenance program pursuant to article [23] 32 of the Mental Hygiene Law, shall file with the department a report summarizing its controlled substances activity in the preceding month. Such a report shall be on forms provided by the department and shall include:

(1) an inventory of the quantity of controlled substances on hand at the commencement and at the conclusion of such month's activity;

- (2) the date of the inventory;
 - (3) the signature of the persons performing the inventory;
 - (4) the total quantity of controlled substances received, the distributor from whom each order was received, and the form and dosage unit in which such substance was received;
 - (5) a separate listing of the total quantity of controlled substances prescribed, dispensed and administered during such month;
 - (6) total quantity of methadone surrendered to the department for destruction;
 - (7) total number of patients treated during the month; and
 - (8) each incident or alleged incident involving the theft, loss or possible diversion of controlled substances.
- (c) Each incident or alleged incident involving the theft, loss or possible diversion of controlled substances shall also be reported to the department immediately.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously published a notice of proposed rule making, I.D. No. HLT-37-03-00001-P, Issue of September 17, 2003. The emergency rule will expire February 21, 2004.

Text of emergency rule and any required statements and analyses may be obtained from: William Johnson, Department of Health, Division of Legal Affairs, Office of Regulatory Reform, Corning Tower, Rm. 2415, Empire State Plaza, Albany, NY 12237, (518) 473-7488, fax: (518) 486-4834, e-mail: regsqna@health.state.ny.us

Regulatory Impact Statement

Statutory Authority:

United States Public Law 106-310, the Children's Health Act of 2000 was enacted on October 17, 2000. Title XXXV of this law, Waiver Authority for Physicians Who Dispense or Prescribe Certain Narcotic Drugs for Maintenance Treatment or Detoxification Treatment, is better known by the short title Drug Addiction Treatment Act of 2000 (DATA).

DATA allows physicians to prescribe and dispense narcotics in Schedules III, IV, and V of the Controlled Substances Act (CSA) that have been specifically approved by the Food and Drug Administration (FDA) for the purpose of maintenance or detoxification of opiate addiction.

The drug buprenorphine was just approved by FDA for this purpose. The federal law supersedes any existing state law that prohibits such treatment.

New York State Public Health Law, Article 33, Section 3308 states that the Commissioner is authorized and empowered to make any regulations necessary to supplement the purpose of Article 33. Section 3351 states that the Commissioner shall designate in regulation the name of all controlled substances appropriate for use in the treatment of opiate addiction. Section 3352 states that persons certified to operate treatment programs should follow certain recordkeeping requirements, as the Commissioner shall require by regulation.

Legislative Objectives:

Article 33 of the Public Health Law, officially known as the New York State Controlled Substances Act, was enacted to govern and control the possession, prescribing, manufacturing, dispensing, administering, and distribution of licit controlled substances within New York State. In the year 2000 a legislative purpose was added to the law to clarify that its purpose is to allow for the legitimate use of controlled substances, while curtailing their illicit use.

Needs and Benefits:

Prior to the adoption of DATA, the treatment of opiate addiction was limited to authorized methadone clinics and licensed substance abuse programs. According to the National Institute of Drug Abuse (NIDA), the regulatory burden involved in delivering methadone to opioid-dependent individuals has been so heavy that it has prevented expansion of the system.

The result has been a "treatment gap," which NIDA defines as the difference between the total number of opioid-dependent persons and those in treatment. In an effort to close the treatment gap, NIDA explored other strategies and studied the use of other drugs to treat opioid addiction. Restrictions were intended to decrease abuse and diversion while permitting legitimate treatment. However a treatment gap continues to exist.

There are approximately 125 MMTPs in New York State with a license capacity to treat 46,000, or 23%, of the estimated 200,000 opiate dependent patients in New York State. Also, over three-quarters of the MMTPs are located in the New York City area, therefore addicts living in rural areas may not have access to an MMTP. It is also believed that many middle and upper class addicts do not seek enrollment in MMTPs due to the stigma associated with MMTPs.

The DATA expands availability of treatment of opiate dependent patients allowing physicians to prescribe narcotic drugs for opiate addiction, requiring only self-certification, and moves the treatment of addiction from the clinic to the private physician's office and the patient's own pharmacy. The law allows qualified physicians to prescribe and dispense Schedule III, IV, and V narcotics that have been approved by FDA for use in maintenance or detoxification treatment. Currently the only such drug approved for such use is buprenorphine.

Buprenorphine is a partial opioid agonist with a significant potential for abuse. To meet the legislative purpose of Article 33 and the intent of the DATA, additional regulations are necessary to ensure buprenorphine is not diverted into illegal channels, while ensuring access to care.

These regulations require that the physician register with the Department of Health, as well as the Office of Alcohol and Substance Abuse Services (OASAS), to provide such treatment. This will ensure that the physician possesses the addiction treatment qualifications required by DATA and is in good standing with respect to adherence to controlled substance laws. The physician will be required to report the names of such patients whom they are providing such treatment. Pharmacies that wish to dispense buprenorphine will also be required to register with the department. Registered pharmacies will be required to file buprenorphine prescription data with the department in the same manner they currently follow for Schedule II controlled substances and benzodiazepines. The department will have the capability of monitoring the utilization of buprenorphine by the analysis of this data in the same manner currently utilized for controlled substances with significant abuse potential.

DOH/OASAS Task Force:

In the fall of 2000, the Department of Health (DOH) partnered with the Office of Alcoholism and Substance Abuse Services (OASAS) to begin planning for the implementation of DATA. The agencies established a joint task force charged with establishing complementary regulations, as well as a joint application process by which New York State physicians could register to provide this new treatment modality.

The task force met routinely for over two years. The result was a streamlined application process by which physicians could register with New York State to provide such treatment, as well as streamlined regulations.

The agencies sent a joint mailing to physicians detailing the regulatory requirements and registration process. The agencies established a joint registration application by which qualified physicians simply complete the joint application and send it to OASAS. Once OASAS reviews and approves the application, the approved application is sent to DOH for their approval. Due to the joint application process, the agencies work closely together through the registration process.

Both agencies also adopted emergency regulations in the fall of 2002. The task force ensured the adoption of emergency regulations that meet the needs and responsibilities of both agencies, while ensuring accessibility of this new treatment to the citizens of New York State.

Outreach:

DOH met with the pharmaceutical Society of the State of New York (PSSNY), as well as the Medical Society of the State of New York (MSSNY), during the drafting of this regulation. PSSNY did not have present any concerns with the regulations. MSSNY was opposed to the concept of a patient registry. The original regulations contained a requirement for physicians to maintain a registry of the patients whom they were treating, and to share such registry with the DOH. MSSNY stated that the registry requirement might deter patients from seeking such treatment. Due to such concerns, DOH decided to remove the patient registry requirement from the regulations.

Costs:

This proposal does not pose any cost to the physician, pharmacy, or the department. The registration of physicians and pharmacies will be provided free of charge. 93% of all pharmacies in the state are already set up to transmit data to the department electronically in the required format, therefore only minimal software modification will be necessary. The remaining 7% submit the data manually on a departmental form.

Local Government Mandates:

The proposed rule does not impose any new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other specific district.

Paperwork:

The Department of Health anticipates a simple registration form for physicians and pharmacies that wish to register for this program. Participation in this program is entirely voluntary. The Department of Health has

partnered with OASAS to streamline the registration process for physicians.

Ninety-three percent of all New York State pharmacies currently have the capacity to send the department prescription data electronically. The department can't predict how many pharmacies will participate in this program. Approximately 60% of the pharmacies in the State have registered thus far to participate in the Expanded Syringe Access Program (ESAP), and it is anticipated that participation in this new incentive will be similar. Those choosing manual submission may simply complete a manual submission form in the same manner they currently utilize for Schedule II controlled substances and benzodiazepines.

Physicians who prescribe buprenorphine will be required to keep the same records they currently maintain for all controlled substances. Physicians choosing to dispense buprenorphine will be required to submit a manual submission form or submit the data electronically, in the same manner as required for pharmacies.

Methadone clinics are currently required to submit dispensing reports to the department; therefore the collection of dispensing data for drugs that treat addiction is not a new concept.

Duplication:

The requirements of this proposed regulation do not duplicate any other State or Federal requirement.

Alternatives:

The proposed regulation is designed to curtail the potential diversion and abuse of buprenorphine in this new treatment modality. Buprenorphine is a narcotic with significant abuse potential and will be utilized in a population of patients who have a prior history of controlled substance abuse. The federal law sets basic parameters for such treatment but leaves specific oversight up to the individual states. The department believes it is in the best interest of public health to monitor the prescribing and dispensing of this drug for this new treatment modality.

There are no alternatives that would ensure accessibility to treatment while curtailing the potential for abuse and diversion.

Federal Standards:

The regulatory amendment does not exceed any minimum standards of the federal government. This amendment does not prohibit the provisions of the federal DATA, it simply achieves consistency with existing New York State standards aimed at curtailing the diversion of medication with a high potential for diversion.

Compliance Schedule:

Physicians and pharmacies may begin to register with the department immediately. Once a physician has registered with the department for this program, and has received his/her unique identification registration number from the Drug Enforcement Administration (DEA), he/she may begin to prescribe and/or dispense buprenorphine for the treatment of opiate addiction. Once a pharmacy has registered with the department for this program, they may begin to dispense buprenorphine for this treatment.

Regulatory Flexibility Analysis

Effect of Rule:

Physician and pharmacy participation in this program is voluntary. There are currently 72,920 physicians licensed to practice medicine in New York State. According to the New York State Board of Pharmacy, as of September 2002, there are a total of 4,434 pharmacies in New York State. Of these, 62 are sole proprietorship, 274 are partnerships, 72 are small chains (fewer than 3 pharmacies per chain) and the rest are large chains or other corporations (some of which may be small businesses) or located in public institutions.

Compliance Requirements:

Pharmacies that choose to register for this program will be required to submit the buprenorphine prescription information in the same manner that they currently utilize for CII and benzodiazepine prescriptions; either electronically or manually. Physicians who choose to dispense will also be required to submit buprenorphine prescription information either electronically or manually, in the same format they currently utilize when dispensing CII and benzodiazepines. The recordkeeping requirements for physicians and pharmacies will be consistent with existing requirements.

Professional Services:

Registered pharmacies that choose to submit the required prescription data electronically may need to make a minor change to their current software. Because almost all New York State pharmacies already have a program in place to submit this data, the department does not anticipate that they will be charged for adding buprenorphine data to the current data

they submit to the department. The department does not expect a large number of physicians to dispense buprenorphine. Of those that do, the department does not expect them to submit the required data electronically; therefore there no professional services will be required.

Compliance Costs:

The department anticipates that there will be no compliance costs associated with this regulation.

Economic and Technological Feasibility:

The proposed rule is both economically and technologically feasible. Small businesses may choose not to submit electronically, in which case no new, or additional, equipment would be required. Those businesses that do opt to submit data electronically will require only a standard personal computer and software already utilized by the pharmacy community.

Minimize Adverse Impact:

The proposed rule was designed to minimize the impact on small businesses by allowing the dispenser to have the choice of submitting specified data electronically or manually. The rule does not require non-computerized pharmacies or physicians to become computerized. The department has worked with the pharmacy societies and software vendors to adopt transmission standards already utilized by the pharmacy community. Also, at the request of the pharmacy societies, the department is allowing dispensers to submit electronic information in batch format, as opposed to a more costly point-of-sale transmission.

Small Business and Local Government Participation:

To ensure that small businesses were given the opportunity to participate in this rule making, the department met with the pharmacy societies representing independent pharmacies. Local governments are not affected.

Rural Area Flexibility Analysis

Finding:

Pursuant to 202-bb of the State Administrative Procedure Act, a Rural Area Flexibility Analysis is not required.

The proposed amendment does not impose any adverse impact on rural areas. The proposed amendment makes the treatment of addiction in rural settings more feasible, as addicts will no longer have to travel to a methadone clinic to obtain their medication. Many rural areas do not have a methadone clinic in close proximity.

Measures Taken to A Certain Finding:

Approximately 93% of the pharmacies in the State currently transmit controlled substance prescription data to the department in the format allowed by this proposal. The remaining 7%, many of which may be in rural areas, do not use computers and will not be forced to computerize. They, as well as physicians, will be allowed to transmit their data manually on a departmental form.

Job Impact Statement

Nature of Impact:

This proposal will not have a negative impact on jobs and employment opportunities. This proposal expands the treatment options for physicians and pharmacies and is not expected to have impact on increasing or decreasing jobs overall.

Categories and Numbers Affected:

This rule affects the 4,423 pharmacies in New York State. Approximately 93% of the pharmacies are currently submitting controlled substance prescription data to the department electronically.

It is anticipated that a small percentage of the 72,920 physicians in the State will register to participate in this program. Of that number, it is expected that most of the physicians will only perform the prescribing of buprenorphine. It is expected that a very small percentage of physicians will actually dispense buprenorphine. Most patients will be receiving their buprenorphine from a registered pharmacy.

Regions of Adverse Impact:

There are no regions of the State where this rule would have a disproportionate adverse impact on jobs or employment opportunities.

Minimizing Adverse Impact:

There are no unnecessary adverse impacts on existing jobs pursuant to this rule; therefore no measures to minimize such impacts were necessary. Promotions of the development of new employment opportunities are not affected by this rule.

Self-Employment Opportunities:

This proposal does not have any measurable impact on opportunities for self-employment.

EMERGENCY RULE MAKING

DRGs, SIWs, Trimpoints and Arithmetic Mean LOS

I.D. No. HLT-02-04-00001-E

Filing No. 1458

Filing date: Dec. 30, 2003

Effective date: Jan. 1, 2004

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

Action taken: Amendment of sections 86-1.62, 86-1.63 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 2807-c(3)

Finding of necessity for emergency rule: Preservation of public health.

Specific reasons underlying the finding of necessity: The Department finds that the immediate adoption of this amendment is necessary to make current regulations consistent with changes made to the diagnosis related group (DRG) classification system used by the Medicare prospective payment system (PPS). This is required by Section 2807-c(3) of the Public Health Law, which states, "The Commissioner shall establish as a basis for case classification for case based rates of payment the same system of diagnosis-related groups for classification of hospital discharges as established for purposes of reimbursement of inpatient hospital service pursuant to Title XVIII of the Federal Social Security Act (Medicare) in effect on the first day of July in the year preceding the rate period." Additionally, such amendments modify existing DRGs and add new DRGs to reflect medically appropriate patterns of health resource use. The current service intensity weights (SIWs) and trimpoints are also updated to be consistent with the proposed DRG modifications.

The SIWs and non-Medicare trimpoints are an integral part of the 2004 hospital Medicaid and like payor inpatient rates. The amendments provide payors of inpatient hospital services with the new values used to determine the correct case based payment for each DRG for each hospital so hospital claims can be submitted and paid in a timely manner. Additionally, the Legislature sought to have the DRGs used in the hospital reimbursement methodology be consistent with those used in Medicare reimbursement and reflect medically appropriate, efficient and economic patterns of health use and services. Such requirements warrant adoption of these amendments as soon as practicable.

Subject: DRGs, SIWs, trimpoints and arithmetic mean LOS used to determine case based payments.

Purpose: To modify the DRG listing SIWs, trimpoints and arithmetic mean LOS.

Substance of emergency rule: 86-1.62 - Service Intensity Weights and Group Average Arithmetic Inlier Lengths of Stay

The proposed amendments of section 86-1.62 of Title 10 (Health) NYCRR are intended to change the diagnosis related group (DRG) classification system for inpatient hospital services and the corresponding service intensity weight (SIWs) and group average arithmetic inlier length of stay (LOS) for each DRG.

The DRG classification system used in the hospital case payment system is updated to incorporate those changes made by Medicare for use in the prospective payment system and additional changes to identify medically appropriate patterns of health resource use for services that are efficiently and economically provided. The SIWs were revised accordingly to reflect the costs of the redistributed cases.

86-1.63 - Non-Medicare Trimpoints

The proposed amendments of section 86-1.63 of Title 10 (Health) NYCRR are intended to change the non-Medicare trimpoints used to determine the outlier days in the hospital case based payment system.

The changes in the DRG classification system described above (Section 86-1.62 of Title 10 (Health) NYCRR) cause a modification of the non-Medicare trimpoints to reflect the redistribution of cases from the existing DRGs to the new DRGs. These new trimpoint values are provided in Section 86-1.63.

Provider/Payor Fiscal Impact:

The changes to the DRG classification system will enable providers to place patients in the most appropriate DRG and, therefore, they will receive adequate reimbursement for services provided. In the aggregate, these changes will have a budget-neutral impact on the reimbursement system.

Reasons for Initiating Regulation:

The Department is statutorily required to update the grouper to be consistent with changes made to the DRG classification system used by the Medicare prospective payment system (PPS) and to modify existing and add new DRGs to more accurately reflect patterns of health resource use.

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 March 28, 2004.

Text of emergency rule and any required statements and analyses may be obtained from: William Johnson, Department of Health, Division of Legal Affairs, Office of Regulatory Reform, Corning Tower, Rm. 2415, Empire State Plaza, Albany, NY 12237, (518) 473-7488, fax: (518) 486-4834, e-mail: regsqna@health.state.ny.us

Regulatory Impact Statement

Statutory Authority:

The authority for the subject regulations is contained in sections 2803(2) and 2807(3) of the Public Health Law (PHL), which require the State Hospital Review and Planning Council (SHRPC), subject to the approval of the Commissioner, to adopt and amend rules and regulations for hospital reimbursement rates that are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated facilities. PHL section 2807-c(3) authorizes the SHRPC to adopt rules subject to the Commissioner's approval, to adjust the diagnosis related groups (DRGs) or establish additional DRGs to reflect subsequent revisions applicable to reimbursement for discharges of Medicare beneficiaries or to identify medically appropriate patterns of health resource use efficiently and economically provided and to subsequently amend the service intensity weights (SIWs) and trimpoints for each DRG.

Legislative Objectives:

The Legislature sought to have the DRGs used in the hospital reimbursement methodology be consistent with those used in Medicare reimbursement and reflect medically appropriate, efficient and economic patterns of health resource use and services.

Needs and Benefits:

The proposed amendments to sections 86-1.62 and 86-1.63 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York are intended to make current regulations consistent with changes made to the diagnosis related group (DRG) classification system used by the Medicare prospective payment system (PPS) and to modify existing and add new DRGs to reflect medically appropriate patterns of health resource use. The current service intensity weights (SIWs) and trimpoints are also updated to be consistent with the proposed DRG modifications.

The SIWs and non-Medicare trimpoints are an integral part of the 2004 hospital Medicaid and like payor inpatient rates. The Department makes changes to the grouper used to assign inpatient cases to the appropriate DRG. As part of this process, the Department may make modifications, revisions and create new DRGs that reflect the current resources consumed by inpatients. After the grouper is modified, the SIWs and trimpoints must be recalculated consistent with the newly created and updated list of DRGs, thus creating new values for the SIWs and trimpoints in sections 86-1.62 and 86-1.63. Additionally, the amendments provide payors of inpatient hospital services with the new values used to determine the correct case base payment for each DRG so hospital claims can be submitted and paid in a timely manner.

COSTS:

Costs to State Government:

The proposed regulations do not impact the cost base upon which payments are made. Therefore, costs to the State are not expected to markedly change as a result of these amendments.

Costs of Local Government:

No increase in costs to local governments is anticipated as a result of these amendments.

Costs to Private Regulated Parties:

In the aggregate, there will be no increases or decreases in hospital revenues as a result of these amendments. Changes to the DRG classification system will cause a realignment of cases among the DRGs. Those cases that require more intensive provision of care will realize an increase in the SIW (and reimbursement) for that DRG. The removal of such cases from the DRG to which they were previously assigned will decrease the SIW (and reimbursement) for that DRG. Therefore, revenues will shift among individual hospitals depending upon the diagnosis of and procedures performed on the patients they treat. The extent of the shift in revenues cannot be determined because it will depend upon future patient services.

Costs to the Department of Health:

There will be no additional costs to the Department of Health as a result of these amendments.

Local Government Mandates:

This regulation affects the costs to counties and New York City for services provided to Medicaid beneficiaries as described above. It imposes no program, service, duty or other responsibility upon any county, city, town, village, school district, fire district or other special district.

Paperwork:

There is no additional paperwork required of providers as a result of these amendments.

Duplication:

These regulations do not duplicate existing State and Federal regulations.

Alternatives:

No significant alternatives were considered.

Federal Standards:

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

Compliance Schedule:

The proposed rule establishes rates of payment as of January 1, 2004; there is no period of time necessary for regulated parties to achieve compliance.

Contact Person:

William Johnson, Department of Health, Division of Legal Affairs, Office of Regulatory Reform, Corning Tower, Rm. 2415, Empire State Plaza, Albany, NY 12237, (518) 473-7488, fax: (518) 486-4834, e-mail: regsqna@health.state.ny.us

Comments submitted to Department personnel other than this contact person may not be included in any assessment of public comment issued for this regulation.

Regulatory Flexibility Analysis

Effect on Small Business and Local Governments

For the purpose of this regulatory flexibility analysis, small businesses were considered to be general hospitals with 100 or fewer full time equivalents. Based on recent financial and statistical data extracted from the Institutional Cost Report, seven hospitals were identified as employing fewer than 100 employees.

Compliance Requirements

No new reporting, recordkeeping or other compliance requirements are being imposed as a result of this rule.

Professional Services

No new or additional professional services are required in order to comply with the proposed amendments

Economic and Technological Feasibility

Small businesses will be able to comply with the economic and technological aspects of this rule. The proposed amendments are intended to make current regulations consistent with changes made to the DRG classification system used by the Medicare prospective payment system (PPS), and add new DRGs to reflect medically appropriate patterns of health resource use. The current SIWs and trimponts are also updated to be consistent with the proposed DRG modifications.

Compliance Costs

No initial capital costs will be imposed as a result of this rule, nor will there be an annual cost of compliance. In the aggregate, as a result of these amendments, there will be no anticipated increases or decreases in hospitals' revenues in the aggregate. Revenues will shift among individual hospitals depending upon the diagnoses of and procedures performed on the patients they treat and the extent to which they would be classified into the modified diagnosis related groups.

Minimizing Adverse Impact

The proposed amendments will be applied to all general hospitals. The Department of Health considered approaches specified in section 202-b(1) of the State Administrative Procedure Act in drafting the proposed amendments and rejected them as inappropriate given the reimbursement system mandated in statute.

Small Business and Local Government Participation

Local governments and small businesses were given notice of this proposal by its inclusion in the agenda of the Fiscal Policy Committee of

the State Hospital Review and Planning Council for its November 20, 2003 meeting. That agenda is mailed to general hospitals qualifying as small businesses, providers, members of the Fiscal Policy Committee, the New York State Legislature and representatives of the hospital associations, among others. The associations are member organizations that represent the interests and concerns of hospitals across New York State, including small businesses and local governments.

Rural Area Flexibility Analysis

Effect on Rural Areas

Rural areas are defined as counties with a population less than 200,000 and, for counties with a population greater than 200,000, includes towns with population densities of 150 persons or less per square mile. The following 44 counties have a population less than 200,000:

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

The following 9 counties have certain townships with population densities of 150 persons or less per square mile:

Albany	Erie	Oneida
Broome	Monroe	Onondaga
Dutchess	Niagara	Orange

Compliance Requirements

No new reporting, recordkeeping, or other compliance requirements are being imposed as a result of this proposal.

Professional Services

No new additional professional services are required in order for providers in rural areas to comply with the proposed amendments.

Compliance Costs

No initial capital costs will be imposed as a result of this rule, nor will there be an annual cost of compliance. In the aggregate, as a result of these amendments, there will be no increases or decreases in hospitals' revenues. Revenues will shift among individual hospitals depending upon the diagnoses of and approved procedures performed on the patients they treat.

Minimizing Adverse Impact

The proposed amendments will be applied to all general hospitals. The Department of Health considered the approaches specified in section 202-bb(2) of the State Administrative Procedure Act in drafting the proposed amendments and rejected them as inappropriate given the reimbursement system mandated in statute.

Opportunity for Rural Area Participation

Rural areas were given notice of this proposal by its inclusion in the agenda of the Fiscal Policy Committee of the State Hospital Review and Planning Council for its November 20, 2003, meeting. That agenda is mailed to members of the Fiscal Policy Committee, the New York State Legislature and representatives of the hospital associations, among others. The associations are member organizations, which represent the needs and concerns of providers across New York State, including rural areas. The amendment was described at meetings of the Fiscal Policy Committee prior to the filing of the notice of proposed rulemaking.

Job Impact Statement

A Job Impact Statement is not required pursuant to Section 201-a(2)(a) of the State Administrative Procedure Act. It is apparent, from the nature and purpose of the proposed rule, that it will not have a substantial adverse impact on jobs or employment opportunities.

Department of Labor

NOTICE OF ADOPTION

Recordkeeping and Reporting of Occupational Injuries and Illness by Public Employers

I.D. No. LAB-44-03-00001-A

Filing No. 1461

Filing date: Dec. 24, 2003

Effective date: Dec. 24, 2003

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

Action taken: Repeal of section 801.12 of Title 12 NYCRR.

Statutory authority: Labor Law, section 27-a(9)

Subject: Recordkeeping and reporting of occupational injuries and illness by public employers.

Purpose: To repeal certain regulations.

Text or summary was published in the notice of proposed rule making, I.D. No. LAB-44-03-00001-P, Issue of November 5, 2003.

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

Text of rule and any required statements and analyses may be obtained from: Diane Wallace Wehner, Department of Labor, Counsel's Office, Bldg. 12, Rm. 509, State Campus, Albany, NY 12240, (518) 457-4380, e-mail: usbdww@labor.state.ny.us

Assessment of Public Comment

The agency received no public comment.

Office of Mental Health

EMERGENCY RULE MAKING

Operation of Residential Treatment Facilities for Children and Youth

I.D. No. OMH-02-04-00003-E

Filing No. 1460

Filing date: Dec. 30, 2003

Effective date: Dec. 30, 2003

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

Action taken: Amendment of section 584.5(e) of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 7.09(b), 31.04(a)(2) and 31.26(b)

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

Specific reasons underlying the finding of necessity: To address the immediate needs of children being served in residential treatment facilities for children and youth (RTF) it is necessary to continue to temporarily expand the capacity of certain RTF's.

Subject: Operation of residential treatment facilities for children and youth.

Purpose: To continue the temporary increase in the capacity of certain RTF's to serve the needs of emotionally disturbed children and youth.

Text of emergency rule: Subdivision 584.5(e) of Part 584 of 14 NYCRR is amended to read as follows:

(e) An operating certificate shall be issued for a residential treatment facility for a resident capacity of no less than 14 and no more than 56; provided, however, that for the period commencing April 1, 2000 through [September 30, 2003,] *September 30, 2004*, bed capacity for facilities primarily serving New York City residents may be temporarily increased up to an additional ten beds over the maximum certified capacity with the prior approval of the Commissioner. In order to receive such approval, the

residential treatment facility must demonstrate that the additional capacity will be used to serve those children and youth deemed most in need of RTF services by the New York City Preadmission Certification Committee as set forth in Section 583.8.

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 March 28, 2004.

Text of emergency rule and any required statements and analyses may be obtained from: Dan Odell, Bureau of Policy, Legislation and Regulation, Office of Mental Health, 44 Holland Ave., Albany, NY 12229, (518) 473-6945, e-mail: dodell@omh.state.ny.us

Regulatory Impact Statement

1. Statutory Authority: §§ 7.09(b), 31.04(a)(2) and 31.26(b) of the Mental Hygiene Law grant the Commissioner the power and responsibility to adopt regulations that are necessary and proper to implement matters under his jurisdiction, to set standards of quality and adequacy of facilities, and to adopt regulations governing Residential Treatment Facilities for Children and Youth, respectively.

2. Legislative Objectives: NYCRR Part 584 sets forth standards for the operation of Residential Treatment Facilities for Children and Youth. This amendment to Part 584 allows for the temporary increase of capacity of certain facilities to allow additional children and youth to be served in the program.

3. Needs and Benefits: The Office of Mental Health has determined that it is necessary to continue the existing capacity of these Residential Treatment Facilities for Children and Youth (RTFs) which serve seriously emotionally disturbed children and youth who are residents of New York City. Under the existing regulation, (14 NYCRR Section 584.5(e)), RTF bed capacity serving primarily New York City residents may be temporarily increased until September 30, 2003 by up to 10 additional beds over the permitted maximum of 56 per facility.

There are a number of initiatives underway that focus on improving the use of the current RTF resources by decreasing the length of stay. These initiatives include focused development of supervised community residences, family based treatment programs, case management and family support to assist the youth discharged from an RTF to successfully reintegrate into the community.

To expand capacity, a total of 21 temporary beds were added to 5 existing RTF facilities serving New York City residents. These beds were added on a voluntary basis with the cooperation of the facilities and the support of the New York City Department of Mental Health. Three of the facilities that were not at the 56 bed maximum had their capacity increased administratively by a total of 13, without going over the maximum. One of the facilities, St. Christopher Otilie, was at 56 beds and another, Linden Hill, was at 55 beds. St. Christopher Otilie added 5 beds. Linden Hill added 3 beds. Therefore, 7 beds are permitted to be added under 14 NYCRR Section 584.5(e) as it currently exists. That permission expired on September 30, 2003. Although significant improvements in development of residential alternatives, such as the supervised community residences and the family based treatment beds, have been made in the last year, the expiration date must be changed to September 30, 2004, in order to permit the continued necessary increase in RTF capacity.

4. Costs:

(a) Costs to private regulated parties: There will be no mandated costs to the regulated parties associated with allowing an increase in capacity to the RTF program.

(b) Cost to state and local government: The annual state cost for the 7 beds is estimated to be \$438,000. These additional funds will be covered by the State share of Medicaid appropriation. There is no local share for the RTF program.

(c) The cost projection was calculated by applying the per bed projected Medicaid rate to the 7 additional beds.

5. Local Government Mandates: There will be no additional mandates to local government.

6. Paperwork: There are no new paperwork requirements associated with this amendment.

7. Duplication: There are no duplicate, overlapping or conflicting mandates which may effect this rule.

8. Alternatives: The only alternative would be to allow the temporary additional capacity authority to expire, which is not acceptable given the critical need for these services.

9. Federal Standards: The rule does not exceed any Federal standards.

10. Compliance Schedule: Providers will be able to comply with this rule immediately.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not being submitted with this notice because the amended rules will not impose any adverse economic impact on small businesses, or local governments.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not being submitted with this notice because the amended rules impact only Residential Treatment Facilities for Children and Youth serving children who are New York City residents.

Job Impact Statement

Because this amendment will impact only 2 providers of Residential Treatment Facilities for Children and Youth, and only permits these 2 providers to continue the temporary operation of a total of 7 beds until September 30, 2004, it will not have any impact on jobs and employment activities.

Department of Motor Vehicles

NOTICE OF ADOPTION

Vision Testing

I.D. No. MTV-27-03-00004-A

Filing No. 1459

Filing date: Dec. 30, 2003

Effective date: Dec. 30, 2003

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

Action taken: Amendment of section 5.4(a) of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a) and 502(6)(a)

Subject: Vision testing.

Purpose: To modify the requirements.

Text of final rule: Subdivision (a) of Section 5.4 is amended to read as follows:

(a) The vision test may be administered by the Department of Motor Vehicles or another state's department of motor vehicles or by a licensed physician, physician assistant, optometrist, ophthalmologist, optician or registered nurse. However, the Department of Motor Vehicles or another state's department of motor vehicles shall only test for a minimum visual acuity of 20/40 (Snellen) in either or both eyes. In order for a statement from a licensed physician, physician assistant, optometrist, ophthalmologist, optician or registered nurse to be acceptable, it must be on a letterhead or prescription blank imprinted with the name, address and title of the authorized person making the certification, or on a form furnished by the Commissioner of Motor Vehicles, and such statement must contain the patient's full name, signature, address, date of birth, sex, whether test results were obtained with or without corrective lenses, date of test, signature and license number of person authorized to certify the statement and also affirmation that the individual has met the minimum visual acuity of 20/40 (Snellen) in either or both eyes. No statement will be acceptable if the date of the examination is more than six months or more than one year, as determined by the health care professional defined herein, prior to the date of submission of the statement to the commissioner.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 5.4.

Text of rule and any required statements and analyses may be obtained from: Michele Welch, Counsel's Office, Department of Motor Vehicles, Empire State Plaza, Swan St. Bldg., Rm. 526, Albany, NY 12228, (518) 474-0871, e-mail: mwelc@dmv.state.ny.us

Regulatory Impact Statement

1. Statutory authority: Section 215(a) of the Vehicle and Traffic Law authorizes the Commissioner of Motor Vehicles to enact, amend and repeal rules and regulations which shall regulate and control the exercise of the powers of the Department and the performance of the duties of the officers, agents and other employees thereof. Section 502(6)(a) of such Law requires the passage of a vision test upon renewal of a license.

2. Legislative objectives: The Legislature enacted Article 19 of the Vehicle and Traffic Law to establish standards for applicants for driver's license. By establishing such standards, the Legislature helped insure that

New York State licensees meet minimum safety standards. Applicants for both original and renewal licenses must pass, or submit evidence of passage of a vision test. This insures that operators on our highways meet basic vision requirements, so as not to pose a safety risk to themselves or other motorists.

The Legislature granted the Commissioner broad authority to establish the parameters of the vision test. Currently, the Commissioner's Regulations permit the applicant for a renewal license to submit a statement from a licensed physician, physician assistant, optometrist, ophthalmologist, optician, or registered nurse stating that the applicant passed a vision test within the previous six months. This proposal provides that the appropriate health care professional may extend the time frame to one year. This will afford benefits to both the Department and the applicant without diminishing the Legislature's or the Department's highway safety goals.

3. Needs and benefits: The current regulation provides that an applicant for a renewal license may submit evidence of passage of a vision test administered by a licensed physician, physician assistant, optometrist, ophthalmologist, optician, or registered nurse within the previous six months. This proposal merely extends the time period for an additional six months, in the discretion of the health care professional. This will afford several benefits to both the Department of Motor Vehicles and to the motoring public.

Currently, a motorist may renew his or her license at a Motor Vehicle Office or by mail. If the motorist goes to a Motor Vehicle Office, he or she must submit a renewal application form and pass a vision test. If the motorist renews by mail, he or she submits the renewal application and the MV-619 form, the eye test report form. In the near future, DMV plans to permit renewals on-line. The procedures for such a process are currently being developed.

The Department is implementing a system that would enable customers to renew their driver's licenses via the Internet. This will reduce traffic and waiting times in DMV offices, benefiting not only the customer who can transact business more conveniently, but also those customers who must or choose to do transactions in person at a DMV office will assist both customers and Department staff. As part of the on-line application, the applicant for a license renewal would have to supply specific information from the physician's or other medical professional's vision statement (known as the Eye Test Report) in order for DMV to verify the validity of such statement. Without a completed Eye Test Report, a person seeking to renew a driver's license must personally come to DMV to take the eye test.

Extending the validity of the Eye Test Report to one year, in the discretion of the health care professional, not only makes it more likely that a customer will be able to renew by mail, but is also consistent with normal cycle of customer visits to medical professionals for eye exams, which is often on an annual basis.

In these difficult fiscal times, permitting on-line renewals of licenses will reduce the need for counter staff to issue licenses and administer eye exams, as well as provide a significant convenience to customers who will not have to wait in line at a DMV Office.

4. Cost: a. regulated parties: There shall be no additional costs to customers who renew their licenses. In fact, customers will save time renewing on line using the Eye Test Report. This will reduce the number of hours they must take off from work or school to visit a DMV to renew their license.

b. the agency: There will be no additional cost to DMV. In fact, the proposed rule will lower Department costs in terms of reducing the number of hours DMV employees spend giving vision tests to license renewal applicants. The Department does not have an estimate of savings in staff time since there is no basis on which to make an estimate as to how many customers will choose to renew on-line.

c. source: DMV Program Analysis.

5. Local government mandates: None.

6. Paperwork: There shall be no additional paperwork requirements. However, the Eye Test Report form, the MV-619, must be revised to reflect that an eye examination given within one year of renewal is acceptable. The current form only indicates six months. This revision will be done at minimal cost to the agency.

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

8. Alternatives: The Department's original proposal merely extended the time to one year. However, in light of concerns expressed by medical professionals, we have proposed a non-substantial revision that allows the health care professional to determine whether the eye test statement may be submitted within six months or one year from the date of the exam. A no action alternative was not considered.

9. Federal standards: The rule does not exceed Federal standards.

10. Compliance schedule: Immediately upon adoption of the rule.

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

A revised Regulatory Flexibility Analysis for Small Businesses and Local Governments, a Rural Area Flexibility Analysis and a Job Impact Statement are not submitted with this adoption, because the non-substantial change to the regulation has no effect on the impact statements originally submitted by this agency.

Assessment of Public Comment

The New York State Ophthalmological Society submitted the only comment within the 45-day public comment period.

The Society commented that for the vast majority of license renewals, a visual acuity documented within the last 12 months is appropriate. However, they had concerns "about particular subgroups of drivers whose medical conditions would warrant more frequent visual acuity tests. . ." In light of this concern, the Department has made a non-substantial revision to the proposed rule to provide that the appropriate health care professional may require the eye examination within six months of the application for renewal.

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

Putnam County Motor Vehicle Use Tax

I.D. No. MTV-02-04-00002-P

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

Proposed action: This is a consensus rule making to amend Part 29 of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a) and 401(6)(d)(ii); and Tax Law section 1202(c)

Subject: Putnam County motor vehicle use tax.

Purpose: To impose the tax.

Text of proposed rule: Part 29.12 is amended by adding a new subdivision (x) to read as follows:

(x) *Putnam County. The Putnam County Legislature adopted Resolution No. 291-03 on December 2, 2003, to establish a Putnam County Motor Vehicle Use Tax. The Putnam County Commissioner of Finance entered into an agreement with the Commissioner of Motor Vehicles for the collection of the tax in accordance with the provisions of this Part, for the collection of such tax on original registrations made on and after April 1, 2004 and upon the renewal of registrations expiring on and after June 1, 2004. The Commissioner of Finance of Putnam County is the appropriate fiscal officer, except that the County Attorney is the appropriate legal officer of Putnam County referred to in this Part. The tax due on passenger motor vehicles for which the registration fee is established in paragraph (a) of subdivision (6) of Section 401 of the Vehicle and Traffic Law shall be \$5.00 per annum on such motor vehicles weighing 3500 lbs. or less and \$10.00 per annum for such motor vehicles weighing in excess of 3500 lbs. The tax due on trucks, buses and other commercial motor vehicles for which the registration fee is established in subdivision (7) of Section 401 of the Vehicle and Traffic Law used principally in connection with a business carried on within Putnam County, except when owned and used in connection with the operation of a farm by the owner or tenant thereof shall be \$10.00 per annum.*

Text of proposed rule and any required statements and analyses may be obtained from: Michele Welch, Counsel's Office, Department of Motor Vehicles, Empire State Plaza, Swan St. Bldg., Rm. 526, Albany, NY 12228, (518) 474-0871, e-mail: mwelc@dmv.state.ny.us

Data, views or arguments may be submitted to: Ida L. Traschen, Associate Counsel, Department of Motor Vehicles, Empire State Plaza, Swan St. Bldg., Rm. 526, Albany, NY 12228, (518) 474-0871, e-mail: mwelc@dmv.state.ny.us

Public comment will be received until: 45 days after publication of this notice.

Consensus Rule Making Determination

This proposed regulation would create a new 15 NYCRR Part 29.12(x) to provide for the collection of a Putnam County motor vehicle use tax by the Department of Motor Vehicles. Pursuant to the authority contained in Tax Law section 1202(c) and Vehicle and Traffic Law section 401(6)(d)(ii), the Commissioner must collect a motor vehicle use tax if a county has enacted a local law requiring the collection of such tax.

On December 2, 2003 the Putnam County Legislature enacted a resolution requiring that a motor vehicle use tax be imposed on passenger and commercial vehicles. Pursuant to this local law, the Commissioner is required to collect the tax on behalf of the county and transmit the revenue to the County, minus the administrative costs required to process the tax. The tax is five dollars per annum on a passenger vehicle weighing 3,500 pounds or less, ten dollars per annum on a passenger vehicle weighing more than 3,500 pounds, and ten dollars per annum on all commercial vehicles. There are certain exempt vehicles, such as vehicles used by non-profit religious, charitable, or educational organizations, and vehicles used only in connection with the operation of a farm by the owner or tenant of the farm.

This is a consensus rule because the Commissioner has no discretion about whether to collect the tax, *i.e.*, it must be collected per the mandate of the Putnam County local law. The merits of the tax may have been debated before the County Legislature, but are no longer the subject of debate—it is now the law. DMV is merely carrying out the will expressed by the County Legislature.

Job Impact Statement

A Job Impact Statement is not submitted with this regulation because the collection of the Putnam County Use Tax by DMV shall have no impact on job opportunities in New York State.

Public Service Commission

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

Retail Access Program by Niagara Mohawk Power Corporation

I.D. No. PSC-02-04-00009-EP

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

Action taken: The commission, on Dec. 30, 2003, adopted an order in Case 03-E-1768 allowing Niagara Mohawk Power Corporation (Niagara Mohawk) to revise its Retail Access Program.

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

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

Specific reasons underlying the finding of necessity: To avoid the loss of jobs, and the attending economic harm to the local community, it is necessary that Niagara Mohawk Power Corporation's tariff revisions be placed in effect by Jan. 1, 2004 to allow for the provision of unbundled retail delivery service required for delivery of low-cost New York Power Authority power allocation to the Niagara Falls Air Force Base.

Subject: Tariff provisions to revise Niagara Mohawk's Retail Access Program.

Purpose: To assist the Air Force Base in reducing its operating costs.

Substance of emergency/proposed rule: The Commission adopted on an emergency basis Niagara Mohawk Power Corporation's (Niagara Mohawk) tariff provision to revise its Rule No. 39 -Retail Access Program which would authorize Niagara Mohawk to furnish unbundled retail delivery service necessary for delivery of low-cost New York Power Authority power allocation to the Niagara Falls Air Force Base, subject to the terms and conditions set forth in the order.

This notice is intended to serve as both a notice of emergency adoption and a notice of proposed rule making. The rule will expire March 28, 2004.

Text of rule may be obtained from: Margaret Maguire, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223-1350, (518) 474-3204

Data, views or arguments may be submitted to: Jaelyn A. Brillling, Acting Secretary, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223-1350, (518) 474-6530

Public comment will be received until: 45 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. (03-E-1768SA1)

NOTICE OF ADOPTION

Issuance of Debt by Bristol Water Works Corporation

I.D. No. PSC-36-03-00016-A

Filing date: Dec. 29, 2003

Effective date: Dec. 29, 2003

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

Action taken: The commission, on Dec. 17, 2003, adopted an order in Case 03-W-1175, approving Bristol Water Works Corporation's request to finance \$156,500 through a three year bank loan.

Statutory authority: Public Service Law, sections 89-f

Subject: Issuance of debt.

Purpose: To provide safe and adequate service to customers.

Substance of final rule: The Commission authorized Bristol Water Works Corporation's (Bristol) to borrow up to \$156,500 to replace water treatment pumps, upgrade piping and renovate its water storage tank, subject to the terms and conditions set forth in the order.

Final rule compared with proposed rule: No changes.

Text of rule may be obtained from: Central Operations, Public Service Commission, Bldg. 3, 14th Fl., Empire State Plaza, Albany, NY 12223-1350, by fax to (518) 474-9842, by calling (518) 474-2500. 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. (03-W-1175SA1)

NOTICE OF ADOPTION

Special Monthly Assessment by Bristol Water Works Corporation

I.D. No. PSC-38-03-00016-A

Filing date: Dec. 29, 2003

Effective date: Dec. 29, 2003

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

Proposed action: The commission, on Dec. 17, 2003, adopted an order in Case 03-W-1172, approving Bristol Water Works Corporation's surcharge statement no. 3, P.S.C. No. 3—Water.

Statutory authority: Public Service Law, section 89-c(10)

Subject: Tariff filing.

Purpose: To raise additional revenue to support a three year bank loan.

Substance of proposed rule: The Commission allowed Bristol Water Works Corporation's (Bristol) Surcharge Statement No. 3 to its P.S.C. No.3—Water to go into effect on January 1, 2004 and directed Bristol to file a new surcharge statement, on one days notice, based upon the actual interest rate set by the bank and the actual amount borrowed, up to \$156,500, subject to the terms and conditions set forth in the order.

Text of proposed rule may be obtained from: Margaret Maguire, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223, (518) 474-3204

Data, views or arguments may be submitted to: Jaelyn A. Brilling, Acting Secretary, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223-1350, (518) 474-6530

Public comment will be received until: 45 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. (03-W-1172SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Additional Intercarrier Service Quality Guidelines by Verizon New York Inc.

I.D. No. PSC-02-04-00006-P

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

Proposed action: The commission will consider Verizon New York Inc.'s petition for reconsideration and clarification of the commission's order establishing additional intercarrier service quality guidelines and delegating authority, issued Oct. 29, 2003. In that order the commission considered proposals by participants of the Carrier Working Group for the addition and revision of certain standards and measures of intercarrier telephone service quality performance.

Statutory authority: Public Service Law, section 94(2)

Subject: Commission's order establishing additional intercarrier service quality guidelines and delegating authority issued Oct. 29, 2003.

Purpose: To review a petition for reconsideration and clarification of the commission's order that was filed by Verizon New York Inc. on Nov. 26, 2003.

Substance of proposed rule: The commission will consider the petition for reconsideration of its "Order Establishing Modifications to the Inter-Carrier Service Quality Guidelines and Delegating Authority" issued and effective October 29, 2003. The Commission will undertake this action as a result of a Petition for Reconsideration and Clarification filed by Verizon New York Inc. (Verizon) on November 26, 2003. In the Petition Verizon asks the Commission to reconsider actions taken in BI-3-08 "% CLEC Billing Claims Credits not Appearing on the Bill within 45 Days," OR 11-01 "Timeliness of Loss of Line Report," and OR-4-17 "% Billing Completion Notifiers Sent Within Two (2) Business Days." The Commission may approve, deny or modify Verizon's request for Reconsideration and Clarification.

Text of proposed rule may be obtained from: Margaret Maguire, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223, (518) 474-3204

Data, views or arguments may be submitted to: Jaelyn A. Brilling, Acting Secretary, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223-1350, (518) 474-6530

Public comment will be received until: 45 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. (97-C-0139SA18)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Transfer of Property by Consolidated Edison Company of New York, Inc.

I.D. No. PSC-02-04-00007-P

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

Proposed action: The Public Service Commission is considering whether to approve or reject, in whole or in part, a petition filed by Consolidated Edison Company of New York, Inc. for authority under section 70 of the Public Service Law to sell approximately 2.15 acres of land with a single-family house and for related relief.

Statutory authority: Public Service Law, sections 5(b), (c), 65(1), 66(1), (2), (5), (8), (9), (10), (11), (12) and 70

Subject: Approval of the transfer of approximately 2.15 acres of land containing a house and garage and related matters.

Purpose: To consider granting approval of the transfer.

Substance of proposed rule: The Public Service Commission is considering whether to approve or reject, in whole or in part, the transfer of approximately 2.15 acres of land, owned by Consolidated Edison Company of New York, Inc. (Con Edison) to one individual. The land, on which there is a single-family house and a two-car garage, is part of the

Mid-Hudson site, which was acquired in the 1970s by Con Edison for generation purposes. The site is no longer needed for the company's utility operations, and Con Edison has been selling it in individual parcels. The commission is also considering related matters.

Text of proposed rule may be obtained from: Margaret Maguire, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223, (518) 474-3204

Data, views or arguments may be submitted to: Jaclyn A. Brillling, Acting Secretary, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223-1350, (518) 474-6530

Public comment will be received until: 45 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.

(03-M-1737SA1)

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

Delivery Rates for Con Edison's Customers in New York City and Westchester County by the City of New York

I.D. No. PSC-02-04-00008-P

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

Proposed action: The Public Service Commission is considering whether to approve or reject, in whole or in part, the petition filed by the City of New York (NYC) for rehearing and clarification of the Nov. 25, 2003 order issued in Case 00-E-1208, which adopts a proposal to equalize delivery rates for Consolidated Edison Company of New York's (Con Edison) service to New York City and Westchester County residents.

Statutory authority: Public Service Law, sections 22, 65 and 66

Subject: NYC's petition for rehearing and clarification of the commission's Nov. 25, 2003 Order in Case 00-E-1208, equalizing rates for delivery service to Con Edison's customers in New York City and Westchester County.

Purpose: To rehear the Nov. 25, 2003 order.

Substance of proposed rule: The Public Service Commission is considering whether to approve or reject, in whole or in part, the petition of the City of New York (NYC) for rehearing and clarification of the November 25, 2003 Order issued in Case 00-E-1208, which adopts a proposal to equalize rates for delivery service to customers of Consolidated Edison Company of New York, Inc. (Con Edison) residing in NYC and Westchester County. Among the issues to be considered is whether NYC's petition meets the threshold criteria set forth in Public Service Law § 22 and in 16 NYCRR § 3.7 for rehearing and whether equalization of delivery rates should be phased in over a longer period of time.

Text of proposed rule may be obtained from: Margaret Maguire, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223, (518) 474-3204

Data, views or arguments may be submitted to: Jaclyn A. Brillling, Acting Secretary, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223-1350, (518) 474-6530

Public comment will be received until: 45 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.

(00-E-1208SA2)

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Long Island Power Authority		
LPA-51-03-00013-P	Tariff for electric service	Town Hall, 100 Main St., Huntington, NY—Feb. 26, 2004, 10:00 a.m. Omni Center, 333, Earle Ovington Blvd., Uniondale, NY—Feb. 26, 2004, 2:00 p.m.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CABLE TELEVISION, COMMISSION ON			
*CTV-24-94-00037-P	..... exempt	Rates for basic service and equipment of Adelphia Communications - International system	To determine whether the company's rates for basic service and equipment are justified
*CTV-24-94-00042-P	..... exempt	Rates for basic service and equipment of Adelphia Communications/Resort system	To determine whether the company's rates for basic service and equipment are justified
*CTV-24-94-00043-P	..... exempt	Rates for basic service and equipment of Adelphia Communications - Hoosick system	To determine whether the company's rates for basic service and equipment are justified
*CTV-24-94-00051-P	..... exempt	Rates for basic service and equipment of Cablevision Systems Corp. - Long Island/Great Neck system	To determine whether the company's rates for basic service and equipment are justified
*CTV-25-94-00015-P	..... exempt	Rates for basic service and equipment of Selectavision of Cazenovia - Cazenovia system	To determine whether the company's rates for basic service and equipment are justified
*CTV-25-94-00021-P	..... exempt	Rates for basic service and equipment of Cablevision Systems Corp. - A-R Cable Services-NY, Inc. Lynbrook system	To determine whether the company's rates for basic and equipment are justified
*CTV-25-94-00023-P	..... exempt	Rates for basic service and equipment of Cablevision Systems Corp. - Dutchess system	To determine whether the company's rates for basic service and equipment are justified
*CTV-25-94-00026-P	..... exempt	Rates for basic service and equipment of Adelphia Communications - Harbor Vue system	To determine whether the company's rates for basic service and equipment are justified
*CTV-25-94-00033-P	..... exempt	Rates for basic service and equipment of Cablevision Systems Corp. - East Hampton system	To determine whether the company's rates for basic service and equipment are justified
*CTV-27-94-00029-P	..... exempt	Rates for basic service and equipment of Cablevision Systems Corp.-Huntington system	To determine whether the company's rates for basic service and equipment are justified
*CTV-27-94-00031-P	..... exempt	Rates for basic service and equipment of Adelphia Communications-Niagara system	To determine whether the company's rates for basic service and equipment are justified
*CTV-39-94-00017-P	..... exempt	Rates for basic service and equipment of Time Warner - ATC - ACC Dryden system	To determine whether the company's rates for basic service and equipment are justified
*CTV-39-94-00018-P	..... exempt	Rates for basic service and equipment of Adelphia Communications-Aurora, Chautauqua, Grand Island, Harbor Vue, Hoosick, International, Niagara, Resort and River Valley systems	To determine whether the company's rates for basic service and equipment are justified
*CTV-39-94-00019-P	..... exempt	Rates for basic service and equipment of C-Tec Cable Corp.-C-Tec Cable system	To determine whether the company's rates for basic service and equipment are justified
*CTV-39-94-00023-P	..... exempt	Rates for basic service and equipment of United Video Cablevision of New York-Community Cable system	To determine whether the company's rates for basic service and equipment are justified
*CTV-39-94-00033-P	..... exempt	Rates for basic service and equipment of Simmons Communications-Simmons Cable-Salamanca system	To determine whether the company's rates for basic service and equipment are justified
*CTV-39-94-00035-P	..... exempt	Rates for basic service and equipment of TKR Cable Company-Ramapo, Rockland and Warwick systems	To determine whether the company's rates for basic service and equipment are justified
*CTV-39-94-00037-P	..... exempt	Rates for basic service and equipment of U.S. Cable Corp.-Evangola, Westfield and Tri - County/Arcade systems	To determine whether the company's rates for basic service and equipment are justified

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CABLE TELEVISION, COMMISSION ON			
*CTV-39-94-00039-P	..... exempt	Rates for basic service and equipment of Time Warner-Warner Communications/Olean system	To determine whether the company's rates for basic service and equipment are justified
*CTV-45-94-00010-P	..... exempt	Rates for basic service and equipment of Cablevision Industries, Inc.-Genesee/Tri-County/Medina system	To determine whether the company's rates for basic service and equipment are justified

CHILDREN AND FAMILY SERVICES, OFFICE OF

CFS-21-03-00011-P	..... 05/27/04c	Subsidized child care services	To establish standards
CFS-30-03-00003-P	..... 07/29/04c	Administration of medication to children in day care	To regulate child day care providers' ability to administer medication

CIVIL SERVICE, DEPARTMENT OF

CVS-43-03-00006-P	..... 04/26/04	Jurisdictional classification	To classify a position in exempt class in the Department of Health
CVS-43-03-00007-P	..... 04/26/04	Jurisdictional classification	To classify a position in the exempt class in the Department of Mental Hygiene
CVS-43-03-00008-P	..... 04/26/04	Jurisdictional classification	To classify positions in the exempt class in the Executive Department
CVS-43-03-00009-P	..... 04/26/04	Jurisdictional classification	To classify positions in the exempt class in the Department of Labor
CVS-43-03-00010-P	..... 04/26/04	Jurisdictional classification	To delete a position from and classify a position in the exempt class in the Department of Labor
CVS-43-03-00011-P	..... 04/26/04	Jurisdictional classification	To delete positions from and classify positions in the exempt class in the Executive Department and the Department of Family Assistance
CVS-43-03-00012-P	..... 04/26/04	Jurisdictional classification	To classify a position in the non-competitive class in the Executive Department
CVS-43-03-00013-P	..... 04/26/04	Jurisdictional classification	To classify a position in the non-competitive class in the Executive Department
CVS-43-03-00014-P	..... 04/26/04	Jurisdictional classification	To classify a position in the non-competitive class in the Department of Health
CVS-43-03-00015-P	..... 04/26/04	Jurisdictional classification	To classify a position in the non-competitive class in the Department of Health
CVS-43-03-00016-P	..... 04/26/04	Jurisdictional classification	To classify a position in the non-competitive class in the Executive Department
CVS-43-03-00017-P	..... 04/26/04	Jurisdictional classification	To classify a position in the non-competitive class in the Department of Transportation
CVS-43-03-00018-P	..... 04/26/04	Jurisdictional classification	To delete a position from the non-competitive class in the Department of Family Assistance
CVS-43-03-00019-P	..... 04/26/04	Jurisdictional classification	To classify a position in the non-competitive class in the Department of Health
CVS-43-03-00020-P	..... 04/26/04	Jurisdictional classification	To classify positions in the non-competitive class in the Insurance Department

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-43-03-00021-P	04/26/04	Jurisdictional classification	To classify positions in the non-competitive class in the Department of Taxation and Finance
CVS-43-03-00022-P	04/26/04	Jurisdictional classification	To delete positions from the non-competitive class in the State Department Service
CVS-43-03-00023-P	04/26/04	Jurisdictional classification	To delete positions from the non-competitive class in the Department of Economic Development
CVS-43-03-00024-P	04/26/04	Jurisdictional classification	To delete positions from the non-competitive class in the Department of Family Assistance
CVS-43-03-00025-P	04/26/04	Jurisdictional classification	To delete a position from and classify a position in the non-competitive class in the Executive Department
CVS-43-03-00026-P	04/26/04	Jurisdictional classification	To delete a position from and classify a position in the non-competitive class in the Executive Department
CVS-43-03-00027-P	04/26/04	Jurisdictional classification	To delete a position from and classify a position in the non-competitive class in the Department of Family Assistance
CVS-43-03-00028-P	04/26/04	Jurisdictional classification	To delete positions from and classify positions in the non-competitive class in the Executive Department
CVS-43-03-00029-P	04/26/04	Jurisdictional classification	To delete positions from and classify positions in the non-competitive class in the New York State Thruway Authority
CVS-43-03-00030-P	04/26/04	Jurisdictional classification	To classify a position in the exempt class and delete a position from the non-competitive class in the Department of Mental Hygiene
CVS-43-03-00031-P	04/26/04	Jurisdictional classification	To delete positions from the exempt and non-competitive classes in the Executive Department
CVS-46-03-00005-P	05/17/04	Jurisdictional classification	To classify a position in the non-competitive class in the New York State Thruway Authority
CVS-49-03-00005-P	06/07/04	Jurisdictional classification	To classify a position in the non-competitive class in the Executive Department
CVS-52-03-00004-P	06/28/04	Jurisdictional classification	To classify positions in the exempt class in the Department of Public Service
CVS-52-03-00005-P	06/28/04	Jurisdictional classification	To classify a position in the exempt class in the State University of New York
CVS-52-03-00006-P	06/28/04	Jurisdictional classification	To classify positions in the exempt class in the Department of Audit and Control
CVS-52-03-00007-P	06/28/04	Jurisdictional classification	To delete a position from and classify a position in the exempt class in the Executive Department
CVS-52-03-00008-P	06/28/04	Jurisdictional classification	To classify a position in the non-competitive class in the Department of Agriculture and Markets
CVS-52-03-00009-P	06/28/04	Jurisdictional classification	To classify a position in the non-competitive class in the Department of Family Assistance

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-52-03-00010-P	06/28/04	Jurisdictional classification	To classify a position in the non-competitive class in the Department of Family Assistance
CVS-52-03-00011-P	06/28/04	Jurisdictional classification	To classify a position in the non-competitive class in the Department of Mental Hygiene
CVS-52-03-00012-P	06/28/04	Jurisdictional classification	To classify a position in the non-competitive class in the Executive Department
CVS-52-03-00013-P	06/28/04	Jurisdictional classification	To classify a position in the non-competitive class in the State University of New York
CVS-52-03-00014-P	06/28/04	Jurisdictional classification	To classify positions in the non-competitive class in the Department of Family Assistance
CVS-52-03-00015-P	06/28/04	Jurisdictional classification	To classify a position in the exempt class and delete positions from and classify positions in the non-competitive class in the Executive Department
CVS-52-03-00016-P	06/28/04	Jurisdictional classification	To classify a position in the exempt class and delete a position in the non-competitive class in the Department of Public Service
CORRECTIONAL SERVICES, DEPARTMENT OF			
COR-47-03-00005-P	05/24/04	Department records	To name an assistant records access officer and deputy privacy compliance officer, and make minor corrections
COR-52-03-00020-P	06/28/04	Discipline and confinement of inmates	To establish standards for inmates whose mental state and intellectual capacity is at issue
COR-02-04-00004-P	07/12/04	Double-cell housing	To correct an omission referring to inmates as smokers or nonsmokers
DEFERRED COMPENSATION BOARD			
DCB-20-03-00004-P	05/20/04c	Establishment of plan by a local employer	To require that an educational employer solicit proposals for plan services prior to adopting a State plan
EDUCATION DEPARTMENT			
EDU-33-03-00011-RP	04/07/04	Impartial hearings for students with disabilities	To prescribe procedures
EDU-37-03-00008-ERP	03/15/04	Classroom teaching certification	To establish requirements
EDU-44-03-00005-P	05/03/04	Purified protein derivative (PPD) mantoux tuberculin skin tests	To establish requirements for administering tests
EDU-44-03-00006-EP	05/03/04	Chief of staff and chief operating officer	To provide for the appointment of a chief of staff
EDU-49-03-00016-P	06/07/04	Mandatory continuing education requirements for chiropractors	To set forth continuing education requirements and standards
EDU-50-03-00002-EP	06/14/04	State assessments and graduation and diploma requirements	To revise requirements for obtaining a Regents high school diploma
EDU-52-03-00028-P	06/28/04	Standing committees of the Board of Regents	To conform the rules

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-01-04-00004-P	07/05/04	Licensed private schools and registered business schools/computer training facilities	To allow for participation in Federal student financial assistance programs
ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE			
ERD-48-03-00006-P	05/31/04	Minimum energy efficiency standards	To establish standards for appliances and energy using products purchased by or for the State
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-28-03-00024-P	08/21/04c	Stationary combustion installations	To reduce emission limits
ENV-48-03-00003-EP	05/31/04	Resource management plan for surfclams	To change time frame for evaluating population survey data
ENV-49-03-00004-P	06/07/04	Remedial action plans	To modify State regulations
ENV-49-03-00014-P	06/07/04	Underage drinking	To prohibit underage drinking on State lands
ENV-52-03-00018-P	06/28/04	Youth hunt for wild turkey	To provide for a two day youth hunt prior to the regular opening of the Spring turkey season
ENV-01-04-00002-P	07/05/04	Recreational harvest and possession of Atlantic cod and haddock	To amend the regulations
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-33-03-00008-P	02/16/04	Watershed rules and regulations for the City of Syracuse	To update existing watershed rules
HLT-37-03-00001-P	03/15/04	Treatment of opiate addiction	To allow treatment in an office-based setting
HLT-37-03-00005-P	03/15/04	Fluoroscopic x-ray equipment	To update protocol and quality control testing tool
HLT-38-03-00006-P	03/22/04	Live adult liver donation and transplantation	To establish minimum standards
HLT-39-03-00003-P	03/29/04	Smoking cessation products	To add over-the-counter products to the Medicaid reimbursable list
HLT-41-03-00005-P	04/12/04	Severe acute respiratory syndrome (SARS)	To add SARS to the communicable disease list
HLT-44-03-00003-P	05/03/04	Adult day health care regulations	To ensure individuals receive health care when appropriate
HLT-46-03-00001-P	05/17/04	Hematopoietic progenitor cell banks	To reflect changes in current operating procedures
HLT-46-03-00002-P	05/17/04	Blood banks	To clarify terminology and protect the blood supply
HLT-46-03-00006-P	05/17/04	Personal care services reimbursement	To revise Medicaid reimbursement regulations
HLT-46-03-00007-P	05/17/04	Public notification, disinfectants/disinfection byproducts and interim enhances SWTR	To retain primacy over the New York State Drinking Water Program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-47-03-00003-P	05/24/04	Monkeypox	To require reportings of suspected cases of monkeypox
HLT-48-03-00002-P	05/31/04	Need methodology for residential health care facility beds	To reflect the 2000 census and changes in long term care services
HLT-51-03-00011-P	06/21/04	Certification for physical therapist assistants	To certify and update regulations
HLT-01-04-00003-P	07/05/04	Nonrectifiable offenses in adult care facilities	To comply with a recent State Supreme Court decision
INDUSTRIAL BOARD OF APPEALS			
IBA-01-04-00009-P	07/05/04	Form and content of petition	To update and clarify the format for petitions
IBA-01-04-00010-P	07/05/04	Answers to petitions	To remove redundant language
INSURANCE DEPARTMENT			
*INS-52-00-00004-P	exempt	Plan of conversion by Utilities Mutual Insurance Company	To convert into a stock property/casualty insurance company
INS-43-03-00003-P	04/26/04	Comprehensive Motor Vehicle Insurance Reparatons Act	To correct an erroneous cross-reference
INS-43-03-00004-P	04/26/04	Address updates	To update obsolete references
INS-43-03-00005-P	04/26/04	Comprehensive Motor Vehicle Insurance Reparatons Act	To insert a requirement
INS-43-03-00032-P	04/26/04	Distribution and sale of publications and forms	To delete obsolete references
INS-44-03-00004-P	05/03/04	Minimum standards for producer-controlled insurers	To repeal an obsolete rule
INS-46-03-00004-P	05/17/04	Healthy New York Program	To simplify the application process
INS-47-03-00006-P	05/24/04	Private passenger and commercial automobile statistical plans	To update and simplify submission and modifications of statistical plans
INS-48-03-00004-P	05/31/04	Change of address by licensees	To conform language relating to notification
INS-50-03-00006-P	06/14/04	Comprehensive Motor Vehicle Insurance Reparatons Act	To conform the fraud warning in no-fault claim forms
LABOR, DEPARTMENT OF			
LAB-33-03-00003-P	02/16/04	Special September Eleventh Bidders Registry	To establish procedures for the application process
LAB-51-03-00012-P	06/21/04	Public access to Industrial Board of Appeals records	To update mailing addresses
LAW, DEPARTMENT OF			
LAW-52-03-00017-P	06/28/04	Broker-dealer and salesperson registration for securities and real estate securities	To revise the fees and registration forms

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	..... exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	..... exempt	Tariff for electric service	To revise the tariff for electric service
LPA-51-03-00013-P	..... exempt	Tarriff for electric service	To adopt tariff revisions for electric service for a Green Energy Program
LOTTERY, DIVISION OF THE			
LTR-28-03-00009-P	..... 07/15/04c	Video lottery gaming	To allow for licensed operation of video lottery gaming
MENTAL HEALTH, OFFICE OF			
OMH-48-03-00009-P	..... 05/31/04	Operation and medical assistance for outpatient programs	To explicitly permit the provision of family treatment
MOTOR VEHICLES, DEPARTMENT OF			
MTV-49-03-00015-P	..... 06/07/04	Dealer document fee	To increase the fee a dealer may charge a customer for processing registration and title paperwork
MTV-51-03-00010-P	..... 06/21/04	Junk and salvage vehicles	To increase the value of abandoned vehicles
MTV-52-03-00025-P	..... 06/28/04	Driver's licenses	To require a personal use endorsement on the licenses of drivers of 45-foot recreational vehicles
MTV-02-04-00002-P	..... 07/12/04	Putnam County motor vehicle use tax	To impose the tax
NIAGARA FALLS WATER BOARD			
NFW-01-04-00008-EP	..... 07/05/04	Water and wastewater treatment and distribution system	To establish regulations
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-36-03-00005-P	..... 03/08/04	Snowmobile trail development and maintenance	To allow for greater opportunities for funded snowmobile trails
POWER AUTHORITY OF THE STATE OF NEW YORK			
PAS-49-03-00013-P	..... exempt	Rates for the sale of power and energy	To revise rates in the Village of Watkins Glen
PAS-52-03-00027-P	..... exempt	Rates for the sale of certain power and energy	To maintain the system's fiscal integrity
PUBLIC SERVICE COMMISSION			
*PSC-29-95-00032-P	..... exempt	Extension of facilities by electric corporations and municipalities	To extend the low income line extension program
*PSC-35-96-00013-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Olean system	To review the company's rates

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-96-00032-P	..... exempt	Rates for basic service and equipment by Paragon Cable in its Elmira system	To review the company's rates
*PSC-37-96-00006-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Binghamton) in its Waverly system	To review the company's rates
*PSC-37-96-00007-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Syracuse) in its Chittenango system	To review the company's rates
*PSC-37-96-00008-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Syracuse) in its Oneida system	To review the company's rates
*PSC-37-96-00009-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Rochester) in its Macedon system	To review the company's rates
*PSC-37-96-00010-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Rochester) in its Cayuga system	To review the company's rates
*PSC-37-96-00011-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Albany) in its Port Henry system	To review the company's rates
*PSC-37-96-00012-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Albany) in its Whitehall system	To review the company's rates
*PSC-37-96-00013-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Liberty) in its Highland system	To review the company's rates
*PSC-37-96-00014-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Liberty) in its Washingtonville system	To review the company's rates
*PSC-37-96-00015-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Rochester) in its South Seneca system	To review the company's rates
*PSC-37-96-00016-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Binghamton) in its Watkins Glen system	To review the company's rates
*PSC-37-96-00017-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Liberty) in its Freedonia system	To review the company's rates
*PSC-37-96-00018-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Liberty) in its New Paltz system	To review the company's rates
*PSC-37-96-00019-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Liberty) in its Port Jervis system	To review the company's rates
*PSC-37-96-00020-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Liberty) in its Saugerties system	To review the company's rates
*PSC-37-96-00021-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Binghamton) in its Owego system	To review the company's rates
*PSC-37-96-00022-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Albany) in its Glens Falls system	To review the company's rates

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-96-00023-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Liberty) in its Walden system	To review the company's rates
*PSC-37-96-00024-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Liberty) in its Wurtsboro system	To review the company's rates
*PSC-37-96-00025-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Albany) in its Glenville system	To review the company's rates
*PSC-37-96-00026-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Albany) in its Saratoga system	To review the company's rates
*PSC-37-96-00028-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Liberty) in its Ellenville system	To review the company's rates
*PSC-37-96-00029-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Rochester) in its Canandaiagua system	To review the company's rates
*PSC-37-96-00030-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Rochester) in its Sodus system	To review the company's rates
*PSC-37-96-00031-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Rochester) in its Attica system	To review the company's rates
*PSC-37-96-00032-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Rochester) in its Avon system	To review the company's rates
*PSC-37-96-00033-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Rochester) in its Covington system	To review the company's rates
*PSC-37-96-00034-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Liberty) in its Monticello system	To review the company's rates
*PSC-37-96-00035-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Binghamton) in its Whitney Point system	To review the company's rates
*PSC-37-96-00036-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Rochester) in its Geneva system	To review the company's rates
*PSC-37-96-00037-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Liberty) in its Middletown system	To review the company's rates
*PSC-37-96-00038-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Rochester) in its Newark system	To review the company's rates
*PSC-37-96-00039-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Liberty) in its Hunter system	To review the company's rates
*PSC-37-96-00040-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Syracuse) in its Constantia system	To review the company's rates

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-96-00049-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Liberty) in its Narrowsburg system	To review the company's rates
*PSC-37-96-00050-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Rochester) in its Perry system	To review the company's rates
*PSC-37-96-00051-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Syracuse) in its Seneca system	To review the company's rates
*PSC-37-96-00052-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Rochester) in its Stafford system	To review the company's rates
*PSC-37-96-00053-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Albany) in its Ticonderoga system	To review the company's rates
*PSC-37-96-00054-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Binghamton) in its Walton system	To review the company's rates
*PSC-37-96-00055-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Liberty) in its Liberty system	To review the company's rates
*PSC-37-96-00056-P	..... exempt	Rates for basic service and equipment by Time Warner Cable (Rochester) in its Bennington system	To review the company's rates
*PSC-38-96-00025-P	..... exempt	Rates for basic service and equipment by TCI of New York in its Lowville system	To review the company's rates
*PSC-38-96-00026-P	..... exempt	Rates for basic service and equipment by Adelphia Cable Communications in its Aurora system	To review the company's rates
*PSC-38-96-00027-P	..... exempt	Rates for basic service and equipment by Adelphia Cable Communications in its Chautauqua system	To review the company's rates
*PSC-38-96-00028-P	..... exempt	Rates for basic service and equipment by Adelphia Cable Communications in its Grand Island system	To review the company's rates
*PSC-38-96-00029-P	..... exempt	Rates for basic service and equipment by Adelphia Cable Communications in its Niagara Frontier system	To review the company's rates
*PSC-38-96-00030-P	..... exempt	Rates for basic service and equipment by TCI of New York in its Schenectady system	To review the company's rates
*PSC-38-96-00031-P	..... exempt	Rates for basic service and equipment by TCI of New York in its Westchester system	To review the company's rates
*PSC-38-96-00032-P	..... exempt	Rates for basic service and equipment by TCI of New York in its Amsterdam system	To review the company's rates
*PSC-38-96-00033-P	..... exempt	Rates for basic service and equipment by Adelphia Cable Communications in its Global Acquisition system	To review the company's rates
*PSC-38-96-00034-P	..... exempt	Rates for basic service and equipment by TCI of Brookhaven in its Brookhaven system	To review the company's rates
*PSC-38-96-00035-P	..... exempt	Rates for basic service and equipment by Adelphia Cable Communications in its International system	To review the company's rates

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-96-00036-P	..... exempt	Rates for basic service and equipment by TCI of New York in its Adams system	To review the company's rates
*PSC-38-96-00037-P	..... exempt	Rates for basic service and equipment by Adelphia Cable Communications in its Mountain Cable system	To review the company's rates
*PSC-38-96-00038-P	..... exempt	Rates for basic service and equipment by Adelphia Cable Communications in its Hoosick system	To review the company's rates
*PSC-38-96-00039-P	..... exempt	Rates for basic service and equipment by TCI of New York in its Mexico system	To review the company's rates
*PSC-38-96-00040-P	..... exempt	Rates for basic service and equipment by TCI of New York in its Kingston system	To review the company's rates
*PSC-38-96-00041-P	..... exempt	Rates for basic service and equipment by TCI of New York in its Boonville system	To review the company's rates
*PSC-38-96-00042-P	..... exempt	Rates for basic service and equipment by TCI of New York in its Poughkeepsie system	To review the company's rates
*PSC-38-96-00043-P	..... exempt	Rates for basic service and equipment by Adelphia Cable Communications in its Harbor Vue system	To review the company's rates
*PSC-51-96-00009-P	..... exempt	Safe and adequate service by Long Island Lighting Company's Glenwood Landing propane plant	To ensure that utilities provide safe and adequate service
*PSC-04-97-00017-P	..... exempt	Rates for basic service by C-TEC Cable Systems of New York, Inc.	To review the rates
*PSC-04-97-00018-P	..... exempt	Rates for basic service by Continental Cablevision in its Westchester system	To review the rates
*PSC-04-97-00023-P	..... exempt	Rates for basic service by Time Warner Cable in its Olean system	To review the rates
*PSC-06-97-00001-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Elmira system	To review the company's rates
*PSC-06-97-00002-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Jamestown system	To review the company's rates
*PSC-06-97-00004-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Waverly system	To review the company's rates
*PSC-06-97-00005-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Chittenango system	To review the company's rates
*PSC-06-97-00006-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Oneida system	To review the company's rates
*PSC-06-97-00007-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Macedon system	To review the company's rates
*PSC-06-97-00008-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Cayuga system	To review the company's rates
*PSC-06-97-00009-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Port Henry system	To review the company's rates
*PSC-06-97-00010-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Whitehall system	To review the company's rates
*PSC-06-97-00011-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Highland system	To review the company's rates

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-97-00012-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Washingtonville system	To review the company's rates
*PSC-06-97-00013-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its South Seneca system	To review the company's rates
*PSC-06-97-00014-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Watkins Glen system	To review the company's rates
*PSC-06-97-00015-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Fredonia system	To review the company's rates
*PSC-06-97-00016-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its New Paltz system	To review the company's rates
*PSC-06-97-00017-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Port Jervis system	To review the company's rates
*PSC-06-97-00018-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Saugerties system	To review the company's rates
*PSC-06-97-00020-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Owego system	To review the company's rates
*PSC-06-97-00021-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Glens Falls system	To review the company's rates
*PSC-06-97-00022-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Walden system	To review the company's rates
*PSC-06-97-00023-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Wurtsboro system	To review the company's rates
*PSC-06-97-00024-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Glenville system	To review the company's rates
*PSC-06-97-00025-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Saratoga system	To review the company's rates
*PSC-06-97-00027-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Ellenville system	To review the company's rates
*PSC-06-97-00028-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Canandaigua system	To review the company's rates
*PSC-06-97-00029-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Sodus system	To review the company's rates
*PSC-06-97-00030-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Attica system	To review the company's rates
*PSC-06-97-00031-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Avon system	To review the company's rates
*PSC-06-97-00032-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Covington system	To review the company's rates
*PSC-06-97-00033-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Monticello system	To review the company's rates
*PSC-06-97-00034-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Whitney Point system	To review the company's rates
*PSC-06-97-00035-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Geneva system	To review the company's rates

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-97-00036-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Middletown system	To review the company's rates
*PSC-06-97-00037-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Newburgh system	To review the company's rates
*PSC-06-97-00038-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Newark system	To review the company's rates
*PSC-06-97-00039-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Hunter system	To review the company's rates
*PSC-06-97-00040-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Constantia system	To review the company's rates
*PSC-06-97-00041-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Narrowsburg system	To review the company's rates
*PSC-06-97-00042-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Perry system	To review the company's rates
*PSC-06-97-00043-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Seneca system	To review the company's rates
*PSC-06-97-00044-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Stafford system	To review the company's rates
*PSC-06-97-00046-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Ticonderoga system	To review the company's rates
*PSC-06-97-00048-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Walton system	To review the company's rates
*PSC-06-97-00049-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Liberty system	To review the company's rates
*PSC-06-97-00050-P	..... exempt	Rates for basic service and equipment by Time Warner Cable in its Bennington system	To review the company's rates
*PSC-28-97-00032-P	..... exempt	General service by Central Hudson Gas & Electric Corporation	To limit certain special provisions
*PSC-34-97-00009-P	..... exempt	Collection agency fees by Consolidated Edison Company of New York, Inc.	To pass collection agency fees on to the customer
*PSC-37-97-00012-P	..... exempt	Certification and operation of telephone corporations by Vernon Telephone Company, Inc.	To amend the certificate of public convenience and necessity
*PSC-51-97-00019-P	..... exempt	Open market plan by Frontier Telephone of Rochester, Inc.	To modify the plan concerning exclusive counsel
*PSC-04-98-00015-P	..... exempt	Interconnection service overcharges by Niagara Mohawk Power Corporation	To consider a complaint by Azure Mountain Power Co.
*PSC-19-98-00008-P	..... exempt	Call forwarding by CPU Industries Inc./MKL Net, et al.	To rehear the petition
*PSC-51-98-00034-P	..... exempt	Rates for basic service by Cablevision Systems Corp. (A-R Cable) in its Yorktown (North) system	To review the company's rates
*PSC-02-99-00006-EP	..... exempt	Intralata freeze plan by New York Telephone Company	To approve the plan

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-99-00018-P	..... exempt	Uniform system of accounts by Citizens Telecommunication Company of New York, Inc.	To permit the company to draw on funds
*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-11-99-00009-P	..... exempt	Certificates of incorporation by Ontario Telephone Company, Inc. and Trumansburg Home Telephone Company	To permit the companies to amend their certificates
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-16-99-00009-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and CCCNY, Inc. d/b/a Connect!	To review the terms and conditions of the negotiated agreement
*PSC-33-99-00007-P	..... exempt	Transfer of hydroelectric facilities by the City of Oswego	To establish conditions
*PSC-34-99-00008-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Hyperion Communications of New York, Inc.	To add two affiliated entities to the agreement
*PSC-36-99-00010-P	..... exempt	Complaint of fund withholding by Focal Communications Corporation	To address the complaint against Bell Atlantic-New York
*PSC-39-99-00006-P	..... exempt	Eligibility application processes for natural gas and electric ESCOs	To consolidate into a single uniform filing requirement
*PSC-42-99-00017-P	..... exempt	Interconnection agreement violation by Global NAPs, Inc.	To address the complaint against Bell Atlantic-New York
*PSC-44-99-00004-P	..... exempt	Intercarrier agreement between FairPoint Communications Corp. and ALLTEL New York, Inc.	To arbitrate certain unresolved issues
*PSC-45-99-00012-P	..... exempt	Monthly reporting of service quality results by MCIMetro Access Transmission Services LLC	To waive certain service quality reporting requirements
*PSC-45-99-00013-P	..... exempt	Collocation tariff by Bell Atlantic-New York	To clarify or reconsider certain provisions
*PSC-50-99-00004-P	..... exempt	Electric service by the University of Rochester	To establish the extent and type of regulatory provisions applicable to the University of Rochester as a provider of electric service within its campus
*PSC-50-99-00009-P	..... exempt	Retail access uniform business practices by The Brooklyn Union Gas Company and KeySpan Gas East Corporation d/b/a Brooklyn Union of Long Island	To approve a joint petition requesting a waiver extension of a requirement set forth in the commission's order
*PSC-51-99-00007-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Teleport Communications Group	To amend the agreement
*PSC-51-99-00010-P	..... exempt	Wholesale quality assurance plan by Bell Atlantic-New York	To approve the plan
*PSC-51-99-00014-P	..... exempt	Wholesale quality assurance plan by Bell Atlantic-New York	To approve the plan
*PSC-51-99-00020-P	..... exempt	Fielded completion upgrade by AT&T and Bell Atlantic	To implement the upgrade in April 2000, instead of June 2000

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-99-00025-P	..... exempt	Fixed pressure factor accuracy maintenance by Brooklyn Union Gas	To waive certain requirements
*PSC-52-99-00006-P	..... exempt	Wide area rate center calling	To implement number conservation measures
*PSC-52-99-00007-P	..... exempt	Assignment of NXX codes	To implement number conservation measures
*PSC-52-99-00009-P	..... exempt	Rate center consolidation	To implement number conservation measures
*PSC-52-99-00015-P	..... exempt	Retail access in Rochester Gas and Electric Corporation's service territory by New York State Electric & Gas Corporation	To enhance and increase the availability of retail access
*PSC-52-99-00016-P	..... exempt	Applicability of Public Service Law to telephone companies and wholesale generators	To interpret the law so as to carry out its intent
*PSC-01-00-00010-P	..... exempt	Franchises and privileges, transfer and ownership of stock by MCI WorldCom, Inc. and Sprint Corporation	To consider a proposed transfer of operating subsidiaries
*PSC-02-00-00018-P	..... exempt	Retail access by Rochester Gas and Electric Corporation	To enhance and increase the availability of retail access to competitive suppliers of electricity
*PSC-04-00-00019-P	..... exempt	Standby service by Rochester Gas and Electric Corporation	To establish the service for certain customers
*PSC-04-00-00023-P	..... exempt	Deferred accounting by New York-American Water Company	To defer expenses associated with an increase in the cost of water purchased from Westchester Joint Water Works
*PSC-07-00-00002-P	..... exempt	Digital subscriber loop charges by New York Telephone Company d/b/a Bell Atlantic-New York	To modify the charges
*PSC-07-00-00020-P	..... exempt	Uniform system of accounts by Rochester Gas and Electric Corporation	To defer items of expense beyond the end of the year in which they were incurred
*PSC-10-00-00012-P	..... exempt	Master metering and remetering of electricity by Glen Eddy, Inc.	To waive requirements in residential buildings
*PSC-10-00-00013-P	..... exempt	Master metering and remetering of electricity by The Glen at Highland Meadows, Inc.	To waive requirements in residential buildings
*PSC-11-00-00005-P	..... exempt	Master metering and remetering of electricity in residential buildings by Westwood Village, Inc.	To waive certain requirements
*PSC-12-00-00017-P	..... exempt	Number allocation scheme by Broadview Networks	To allow the company emergency relief from the number allocation scheme
*PSC-13-00-00011-P	..... exempt	Release of telephone NXX numbers by Dobson Cellular Systems	To expand the scope of service in the 716 NPA
*PSC-14-00-00004-EP	..... exempt	NXX code in the 716 NPA by Broadview Networks	To assign an NXX code in Buffalo
*PSC-14-00-00026-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Media Log, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00027-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Pilgrim Telephone, Inc.	To review the terms and conditions of the negotiated agreement

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-00-00029-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and CoreComm New York, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00030-P	..... exempt	Electric utility tariffs for standby service	To adopt new or modified methods for establishing rates, terms and conditions
*PSC-15-00-00012-P	..... exempt	Gas meters by Atlantic Equipment Corporation	To consider the issues
*PSC-15-00-00013-P	..... exempt	Transfer of property by New York State Electric and Gas Corporation	To allow the company to transfer its Binghamton General Office Building
*PSC-16-00-00012-P	..... exempt	Termination of local telecommunications traffic by Hyperion Communications of New York, Inc.	To determine appropriate compensation levels
*PSC-17-00-00008-P	..... exempt	Capacity issues by the Small Customer Marketer Coalition	To investigate certain capacity issues
*PSC-21-00-00006-P	..... exempt	Electric utility outage emergency plan compliance and best practices	To ensure compliance and implement best practices
*PSC-21-00-00007-P	..... exempt	Initial tariff schedule by Drew Road Association	To set forth the rates, charges, rules and regulations
*PSC-22-00-00010-P	..... exempt	Petition for rehearing by Sprint PCS	To reconsider the decision to defer implementation of wireless-only wide area rate centers
*PSC-23-00-00017-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Ernest Communications, Inc.	To revise the interconnection agreement issued April 13, 1999
*PSC-23-00-00034-P	..... exempt	Transfer of real property and stocks by Hunter Mountain Water Supply Corporation	To consider if the issues necessitated commission approval
*PSC-24-00-00007-P	..... exempt	Interconnection of networks between CCCNY, Inc. d/b/a CONNECT! and Frontier Telephone of Rochester	To review the terms and conditions of the negotiated agreement
*PSC-24-00-00010-P	..... exempt	Submetering of electricity by Brodsky Organization	To allow submetering of electricity at 410 E. 61st St., New York, NY
*PSC-25-00-00006-P	..... exempt	Interruptible gas rates	To establish criteria for interruptible gas rates
*PSC-26-00-00010-P	..... exempt	Transfer of certain books and records by Long Island Water Corporation	To transfer certain records from Lynbrook, NY to Marlton and Vorhees, NJ
*PSC-28-00-00017-P	..... exempt	Water rates and charges by Willow Towers, Inc.	To determine whether a charge for system upgrading is invalid
*PSC-29-00-00008-P	..... exempt	Line-sharing rates by New York Telephone Company d/b/a Bell Atlantic-New York	To consider requested modifications
*PSC-31-00-00025-P	..... exempt	Reinforcement of gas distribution facilities by Consolidated Edison Company of New York, Inc.	To consider the conditions
*PSC-31-00-00026-P	..... exempt	Water service by Windover Water Works	To abandon the water system
*PSC-33-00-00010-P	..... exempt	Electric rate and restructuring plan by Rochester Gas and Electric Corporation	To evaluate possible modifications
*PSC-33-00-00014-P	..... exempt	Compliance with certain legal requirements by Seneca Resources Corporation	To specify the regulatory regime under which the company will continue to operate

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-00-00015-P	..... exempt	Interruptible gas transportation service by New York Organic Fertilizer Company and Consolidated Edison Company of New York, Inc.	To consider a complaint regarding service and related matters
*PSC-34-00-00015-P	..... exempt	Rates for basic service by Time Warner Cable in the Watkins Glen Area System	To review the basic service level rate filings
*PSC-35-00-00027-P	..... exempt	Issuance of securities by The New York Independent System Operator, Inc.	To increase the limit on its revolving credit agreement by \$38 million
*PSC-35-00-00028-P	..... exempt	Rates for basic service of Time Warner Cable in the Walton area system	To review the basic service level rate filings
*PSC-35-00-00029-P	..... exempt	Rates for basic service of Time Warner Cable in the Whitney Point area system	To review the basic service level rate filings
*PSC-35-00-00030-P	..... exempt	Rates for basic service of Time Warner Cable in the Owego area system	To review the basic service level rate filings
*PSC-35-00-00031-P	..... exempt	Rates for basic service of Time Warner Cable in the Waverly area system	To review the basic service level rate filings
*PSC-35-00-00032-P	..... exempt	Rates for basic service of Time Warner Cable in the Corning area system	To review the basic service level rate filings
*PSC-35-00-00033-P	..... exempt	Rates for basic service of Time Warner Cable in the Newark Valley area system	To review the basic service level rate filings
*PSC-35-00-00034-P	..... exempt	Rates for basic service of Time Warner Cable in the Binghamton area system	To review the basic service level rate filings
*PSC-35-00-00035-P	..... exempt	Rates for basic service of Time Warner Cable in the Elmira area system	To review the basic service level rate filings
*PSC-35-00-00036-P	..... exempt	Rates for basic service of Time Warner Cable in the Oneonta area system	To review the basic service level rate filings
*PSC-35-00-00037-P	..... exempt	Rates for basic service of Time Warner Cable in the Delhi area system	To review the basic service level rate filings
*PSC-35-00-00038-P	..... exempt	Rates for basic service of Time Warner Cable in the New Berlin area system	To review the basic service level rate filings
*PSC-35-00-00039-P	..... exempt	Rates for basic service of Time Warner Cable in the Cooperstown area system	To review the basic service level rate filings
*PSC-35-00-00040-P	..... exempt	Rates for basic service of Time Warner Cable in the Sidney area system	To review the basic service level rate filings
*PSC-35-00-00041-P	..... exempt	Rates for basic service of Time Warner Cable in the Oxford area system	To review the basic service level rate filings
*PSC-35-00-00042-P	..... exempt	Rates for basic service of Time Warner Cable in the Bainbridge area system	To review the basic service level rate filings
*PSC-35-00-00043-P	..... exempt	Rates for basic service of Time Warner Cable in the Rochester area system	To review the basic service level rate filings
*PSC-35-00-00044-P	..... exempt	Rates for basic service of Time Warner Cable in the Batavia area system	To review the basic service level rate filings
*PSC-35-00-00045-P	..... exempt	Rates for basic service of Time Warner Cable in the Honeoye area system	To review the basic service level rate filings
*PSC-35-00-00046-P	..... exempt	Rates for basic service of Time Warner Cable in the Finger Lakes area system	To review the basic service level rate filings
*PSC-35-00-00047-P	..... exempt	Rates for basic service of Time Warner Cable in the Watertown area system	To review the basic service level rate filings

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-00-00048-P	..... exempt	Rates for basic service of Time Warner Cable in the Syracuse area system	To review the basic service level rate filings
*PSC-35-00-00049-P	..... exempt	Rates for basic service of Time Warner Cable in the Rome area system	To review the basic service level rate filings
*PSC-35-00-00050-P	..... exempt	Rates for basic service of Time Warner Cable in the Potsdam area system	To review the basic service level rate filings
*PSC-35-00-00051-P	..... exempt	Rates for basic service of Time Warner Cable in the Oswego area system	To review the basic service level rate filings
*PSC-35-00-00052-P	..... exempt	Rates for basic service of Time Warner Cable in the Oneida area system	To review the basic service level rate filings
*PSC-35-00-00053-P	..... exempt	Rates for basic service of Time Warner Cable in the Ogdensburg area system	To review the basic service level rate filings
*PSC-35-00-00054-P	..... exempt	Rates for basic service of Time Warner Cable in the Massena area system	To review the basic service level rate filings
*PSC-35-00-00055-P	..... exempt	Rates for basic service of Time Warner Cable in the Malone area system	To review the basic service level rate filings
*PSC-35-00-00056-P	..... exempt	Rates for basic service of Time Warner Cable in the Ithaca area system	To review the basic service level rate filings
*PSC-35-00-00057-P	..... exempt	Rates for basic service of Time Warner Cable in the Ilion area system	To review the basic service level rate filings
*PSC-35-00-00058-P	..... exempt	Rates for basic service of Time Warner Cable in the Fulton area system	To review the basic service level rate filings
*PSC-35-00-00059-P	..... exempt	Rates for basic service of Time Warner Cable in the Champlain area system	To review the basic service level rate filings
*PSC-35-00-00060-P	..... exempt	Rates for basic service of Time Warner Cable in the Carthage area system	To review the basic service level rate filings
*PSC-36-00-00039-P	..... exempt	Steam increase by Consolidated Edison Company of New York, Inc.	To provide for an annual increase in the first year of a proposed four-year rate plan
*PSC-37-00-00001-EP	..... exempt	Interruptible gas customers	To ensure customers have an adequate supply of alternative fuel available
*PSC-37-00-00002-P	..... exempt	Retail access program by Central Hudson Gas & Electric Corporation	To revise the program
*PSC-37-00-00005-P	..... exempt	Submetering of electricity by American Metering and Planning	To allow submetering at 399 East 72nd St., New York, NY
*PSC-37-00-00007-P	..... exempt	Rates and charges by Consolidated Edison Company of New York, Inc.	To review the rates and charges
*PSC-37-00-00009-P	..... exempt	Exemption from regulation by Lake Joseph Homeowners' Association, Inc.	To consider the petition
*PSC-38-00-00011-P	..... exempt	Certificate of environmental compatibility and public need by Southern Energy Bowline, L.L.C.	To insure environmental compatibility of proposed facilities
*PSC-39-00-00004-P	..... exempt	Blockable central office codes by PaeTec Communications, Inc.	To review the commission's requirements for assignment of numbering resources
*PSC-40-00-00005-P	..... exempt	Marketers' charges by Central Hudson	To consider the issues
*PSC-41-00-00015-P	..... exempt	Transfer of franchises or stock by Sithe Energies, Inc., et al.	To transfer stock of Sithe Energies to Exelon-Fossil

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-00-00019-P	..... exempt	Niagara Mohawk Power Corporation's supervisor/inspector quality control checklist by Local 97, International Brotherhood of Electrical Workers Union	To request that the commission intercede and mandate a change
*PSC-41-00-00021-P	..... exempt	Exemption from certain provisions by Norse Pipeline, LLC	To specify the regulatory regime under which Norse will operate
*PSC-42-00-00007-P	..... exempt	Electric rates by Orange and Rockland Utilities, Inc. and the Orange County Legislature	To consider a proposed resolution to investigate increased electric rates
*PSC-42-00-00008-P	..... exempt	Electric rates by Orange and Rockland Utilities, Inc.	To consider a petition from the Attorney General of the State of New York for reconsideration of the automatic rate adjustment mechanisms
*PSC-43-00-00015-P	..... exempt	Water rates and charges by Summit Landing, LLC	To request a determination
*PSC-43-00-00018-P	..... exempt	Gas transportation operating procedures manual by Central Hudson Gas & Electric Corporation	To update the tariff
*PSC-44-00-00014-P	..... exempt	Recovery of costs through adjustment mechanisms by Consolidated Edison Company of New York, Inc.	To permit the recovery of certain costs
*PSC-44-00-00018-P	..... exempt	Gas meters and accessories by Tiger Natural Gas, Inc.	To permit approval of the data collection device
*PSC-44-00-00021-P	..... exempt	New York uniform business rules	To consider modifications
*PSC-45-00-00019-P	..... exempt	Refund of service quality penalties by Taconic Telephone Corporation	To waive certain service quality performance results
*PSC-45-00-00020-P	..... exempt	Street lighting service by Niagara Mohawk Power Corporation	To give relief to municipal and other similarly situated street lighting customers
*PSC-45-00-00021-P	..... exempt	Billing of municipal and other street lighting customers by Niagara Mohawk Power Corporation	To examine revisions in the acts and practices in order to facilitate accurate billing
*PSC-45-00-00025-P	..... exempt	Franchising standards by the Town of Spafford	To waive certain franchising standards
*PSC-46-00-00018-P	..... exempt	Central office code in 914 area code by Nextel Communications, Inc.	To assign a central office code
*PSC-47-00-00006-P	..... exempt	Interim metering/billing arrangement by Niagara Mohawk Power Corporation	To allow Niagara Mohawk to bill PSEG Power New York, Inc. for electricity usage at the Albany Steam Station
*PSC-49-00-00007-P	..... exempt	Gas sales and purchases by Corning Natural Gas Corporation	To determine whether certain gas sales and purchases were in the public interest and whether customers should bear the resulting costs
*PSC-49-00-00013-P	..... exempt	Request for a waiver by Verizon New York Inc.	To consider whether to approve a waiver
*PSC-49-00-00014-P	..... exempt	Limitations of liability by Consolidated Edison Company of New York, Inc.	To revise the standards for reviewing and satisfying claims for loss of food or perishable goods
*PSC-50-00-00009-P	..... exempt	Backbilling by Niagara Mohawk Power Corporation	To avoid noncompliance with the commission's rules and regulations
*PSC-51-00-00006-P	..... exempt	Master metering of water by Helmer-Cronin Construction and United Water New York	To master meter the potable water supply

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-01-00022-P	..... exempt	Interim metering/billing arrangement by Niagara Mohawk Power Corporation	To bill Entergy Nuclear Fitzpatrick for electricity usage at James A. Fitzpatrick Nuclear Plant
*PSC-01-01-00023-P	..... exempt	Installation, maintenance and ownership of service laterals by Rochester Gas and Electric Corporation	To update and clarify the provisions
*PSC-02-01-00012-P	..... exempt	Cable television rules by MTC Cable	To waive specified rules
*PSC-04-01-00011-P	..... exempt	Submetering at 349 East 49th Street Tenants Corp. by David Transom	To prohibit submetering
*PSC-06-01-00009-P	..... exempt	Uniform system of accounts by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-08-01-00013-P	..... exempt	Long-term capacity availability	To evaluate capacity related issues that have arisen or may arise in rate and restructuring negotiations
*PSC-08-01-00014-P	..... exempt	Long-term capacity availability	To evaluate capacity related issues that have arisen or may arise in rate and restructuring negotiations
*PSC-08-01-00015-P	..... exempt	Long-term capacity availability	To evaluate capacity related issues that have arisen or may arise in rate and restructuring negotiations
*PSC-08-01-00016-P	..... exempt	Long-term capacity availability	To evaluate capacity related issues that have arisen or may arise in rate and restructuring negotiations
*PSC-08-01-00020-P	..... exempt	Long-term capacity availability	To evaluate capacity related issues that have arisen or may arise in rate and restructuring negotiations
*PSC-08-01-00021-P	..... exempt	Long-term capacity availability	To evaluate capacity related issues that have arisen or may arise in rate and restructuring negotiations
*PSC-08-01-00022-P	..... exempt	Long-term capacity availability	To evaluate capacity related issues that have arisen or may arise in rate and restructuring negotiations
*PSC-08-01-00024-P	..... exempt	Long-term capacity availability	To evaluate capacity related issues that have arisen or may arise in rate and restructuring negotiations
*PSC-09-01-00017-P	..... exempt	Farm and Food Processor Retail Access Pilot Program	To consider further extending the existing program
*PSC-09-01-00019-P	..... exempt	Utility demand response plans	To put relevant programs of six major electric utilities in place
*PSC-10-01-00026-P	..... exempt	New York Independent System Operator's Emergency Price Responsive Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-10-01-00027-P	..... exempt	New York Independent System Operator's Emergency Price Responsive Program by Central Hudson Gas and Electric Corporation	To implement the program
*PSC-10-01-00028-P	..... exempt	New York Independent System Operator's Emergency Price Responsive Program by New York State Electric and Gas Corporation	To implement the program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-01-00029-P	..... exempt	New York Independent System Operator's Emergency Price Responsive Program by Niagara Mohawk Power Corporation	To implement the program
*PSC-10-01-00030-P	..... exempt	New York Independent System Operator's Emergency Price Responsive Program by Orange and Rockland Utilities, Inc.	To implement the program
*PSC-10-01-00031-P	..... exempt	New York Independent System Operator's Emergency Price Responsive Program by Rochester Gas and Electric Corporation	To implement the program
*PSC-12-01-00004-P	..... exempt	Methods of monitoring contractors of KeySpan Energy/Brooklyn Gas by Local 101 Transportation Workers Union of America	To mandate changes
*PSC-13-01-00001-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00002-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00003-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00011-P	..... exempt	Meter reading by Long Island Water Corporation	To approve the remote meter reading plan
*PSC-14-01-00021-P	..... exempt	Issuance of debt by AES Eastern Energy, L.P.	To approve the issuance of debt by a lightly regulated wholesale generator
*PSC-14-01-00023-P	..... exempt	Market supply charge by Industrial Energy Users Associates, Inc., et al.	To grant or deny, in whole or in part, the petition for rehearing
*PSC-15-01-00012-P	..... exempt	Transfer of a controlling leasehold interest by Huntley Power LLC	To approve the transfer
*PSC-16-01-00007-P	..... exempt	Transfer of property by Consolidated Edison Company of New York, Inc.	To transfer four parcels of land to FSM East River Associates LLC
*PSC-17-01-00008-P	..... exempt	Alternate meter in-test program by Long Island Water Corporation	To allow the company to implement the program
*PSC-18-01-00004-P	..... exempt	Pole attachment rates	To consider pole attachment rates
*PSC-22-01-00006-P	..... exempt	Con Edison's phase 4 plan for retail access by AES Energy, Inc.	To review the request for rehearing
*PSC-22-01-00009-P	..... exempt	Retail rates for service at 138kV by Consolidated Edison Company of New York, Inc.	To review the plan
*PSC-23-01-00031-P	..... exempt	Rent inclusion and submetering by Consolidated Edison Company of New York, Inc.	To allow submetering of electricity
*PSC-23-01-00032-P	..... exempt	Rent inclusion and submetering by Consolidated Edison Company of New York, Inc.	To allow submetering of electricity
*PSC-24-01-00014-P	..... exempt	Waiver of specified cable rules by Time Warner Cable	To provide cable television service in the Town of French Creek, Chautauqua County
*PSC-26-01-00012-P	..... exempt	Interconnection of networks between Sprint PCS and Verizon New York Inc.	To review the terms and conditions of the negotiated agreement
*PSC-26-01-00015-P	..... exempt	Purchase of electricity from a hydroelectric qualifying facility by Chittenden Falls Hydro Power, Inc. and Niagara Mohawk Power Corporation	To establish the terms, conditions and payments for the purchase from a hydroelectric qualifying facility under tariff or contract

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-30-01-00005-P	..... exempt	Business Incentive Rate Program by Keyspan Gas East Corp. d/b/a Brooklyn Union of Long Island	To extend the program for three years
*PSC-30-01-00006-P	..... exempt	Deferred accounting by New York American Water Company	To defer expenses associated with an increase in the cost of water
*PSC-32-01-00016-P	..... exempt	Uniform business practices	To modify the creditworthiness provisions
*PSC-33-01-00009-P	..... exempt	Interconnection agreement between El Paso Networks, LLC and Verizon New York Inc.	To review the terms and conditions of the proposed agreement
*PSC-33-01-00016-P	..... exempt	Wholesale electric supply portfolio between Niagara Mohawk Power Corporation and Tractebel Energy Marketing, Inc.	To approve a series of contracts
*PSC-36-01-00009-P	..... exempt	Issuance of securities by Niagara Mohawk Power Corporation	To issue and sell securities
*PSC-36-01-00010-P	..... exempt	Competitive metering by eBidenergy.com	To clarify meter ownership rules and requirements
*PSC-37-01-00003-P	..... exempt	Service quality reporting requirements by MCIMetro Access Transmission Services LLC	To waive certain requirements
*PSC-39-01-00039-P	..... exempt	Lightened regulation by Berrians 1 Gas Turbine Power LLC	To determine which provisions apply
*PSC-41-01-00005-P	..... exempt	Rehearing of commission order by Consolidated Edison Company of New York, Inc.	To consider rescission or modification of certain provisions of the commission's order
*PSC-42-01-00007-P	..... exempt	Use of multi-jurisdictional trunks by Sprint Communications Company L.P.	To review petition of relief
*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-48-01-00013-P	..... exempt	Water rates and charges by United Water New Rochelle Inc.	To refund an overcollection in revenue and property taxes
*PSC-49-01-00012-P	..... exempt	Day-Ahead Demand Reduction Program and Emergency Demand Response Program by Central Hudson Gas and Electric Corporation, et al.	To reflect program experience during the summer of 2001
*PSC-50-01-00008-P	..... exempt	Interconnection agreement between Interactive Information Network, Inc. and Verizon New York Inc.	To review the terms and conditions of the negotiated agreement
*PSC-50-01-00010-P	..... exempt	Experimental POLR alternative by Rochester Gas & Electric Corporation	To waive the requirement that an experimental alternative to POLR be developed
*PSC-50-01-00011-P	..... exempt	Lightened regulatory regime by Fortistar Chelsea, LLC	To determine what provisions of the Public Service Law pertain
*PSC-50-01-00012-P	..... exempt	Lightened regulatory regime by Fortistar South Avenue, LLC	To determine which provisions of the Public Service Law pertain
*PSC-52-01-00020-P	..... exempt	Environmental compatibility by Long Island Power Authority	To insure environmental compatibility of proposed facilities
*PSC-01-02-00007-P	..... exempt	Accounting and rate treatment of proceeds by Consolidated Edison Company of New York, Inc.	To consider proceeds from sale of nuclear generating facilities
*PSC-01-02-00008-P	..... exempt	Model restrictive covenant	To adopt a covenant for the sale or trade of sulfur dioxide allowance credits

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-05-02-00004-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Global NAPs, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-05-02-00005-P	..... exempt	Uniform system of accounts by Consolidated Edison Company of New York, Inc.	To defer expenditures incurred in connection with emergency response services affected by the World Trade Center disaster
*PSC-05-02-00006-P	..... exempt	Uniform system of accounts by United Water Owego Inc.	To defer expenditures relating to an early retirement program
*PSC-05-02-00007-P	..... exempt	Uniform system of accounts by United Water New Rochelle Inc.	To defer expenditures relating to an early retirement program
*PSC-05-02-00008-P	..... exempt	Uniform system of accounts by United Water New York Inc.	To defer expenditures relating to an early retirement program
*PSC-06-02-00015-P	..... exempt	Network reliability performance mechanism by Consolidated Edison Company of New York, Inc.	To earn rewards for meeting the targets of the network reliability performance mechanism
*PSC-06-02-00016-P	..... exempt	Waiver of requirements by Charter Communications Entertainment I, LLC	To waive requirements issued in the July 2, 2001 order
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-07-02-00035-P	..... exempt	Request for waiver by Neptune Regional Transmission System LLC	To determine whether appropriate filing requirements are met without undue burden
*PSC-09-02-00016-P	..... exempt	Submetering of electricity by the City of New York Department of Housing Preservation and Development	To waive 16 NYCRR section 96.2(e)(1) for 35 non-refinanced City Mitchell-Lama cooperative developments
*PSC-12-02-00008-P	..... exempt	Interconnection agreement between XO New York, Inc. and Verizon New York Inc.	To determine where Verizon must interconnect with XO New York, Inc.
*PSC-12-02-00009-P	..... exempt	NXX codes in 716 area by Cricket Communications, Inc.	To assign two central office codes
*PSC-13-02-00024-P	..... exempt	Petition for deferred accounting by New York-American Water Company, Inc.	To defer expenses incurred for additional security initiatives in response to Sept. 11, 2001
*PSC-13-02-00025-P	..... exempt	Deferred accounting by New York-American Water Company, Inc.	To defer expenses associated with its transfer of function to the national customer service call center
*PSC-14-02-00005-P	..... exempt	Standby service rates by Niagara Mohawk Power Corporation	To implement lost revenue rate adjustments and deferrals
*PSC-15-02-00010-P	..... exempt	Certificate of confirmation by Hometown Online, Inc.	To operate a cable television system in the Village of Warwick
*PSC-16-02-00018-P	..... exempt	Pole attachment rates by Central Hudson Gas & Electric Corporation	To revise the rate
*PSC-16-02-00019-P	..... exempt	Certificate of environmental compatibility and public need by Kings Park Energy, LLC	To determine whether the appropriate filing requirements are met without imposing any undue burdens
*PSC-16-02-00021-P	..... exempt	Affiliate agreement by United Water New Rochelle Inc.	To approve the agreement with United Metering Inc. for replacement of water meters
*PSC-17-02-00013-P	..... exempt	Electric service by Nucor Steel Auburn, Inc.	To establish conditions for service
*PSC-18-02-00020-P	..... exempt	Pole attachment charges by Fiber Technologies Network, L.L.C.	To consider a complaint against Niagara Mohawk Power Corporation
*PSC-18-02-00023-P	..... exempt	Flexible rate contract by New York State Electric & Gas Corporation	To establish conditions for service

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-02-00024-P	..... exempt	Lightened regulation by Flat Rock Wind Power, LLC	To determine the regulatory regime to be imposed
*PSC-18-02-00025-P	..... exempt	Transfer of utility property by New York State Electric and Gas Corporation	To amend the current lease
*PSC-20-02-00005-P	..... exempt	Interconnection agreement between Manhattan Telecommunications Corporation d/b/a Metropolitan Communications and Verizon New York Inc.	To review the terms and conditions of the agreement
*PSC-21-02-00010-P	..... exempt	Economic development zone rider by Niagara Mohawk Power Corporation	To update rates and charges
*PSC-21-02-00011-P	..... exempt	Natural gas metering and heat content measurement by nonutility entities	To allow for the use of heat content measurement in rendering bills
*PSC-22-02-00021-P	..... exempt	Rate adjustment waiver by Orange and Rockland Utilities, Inc.	To waive rate adjustment for failure to meet customer service performance targets
*PSC-22-02-00022-P	..... exempt	Water tariff surcharge by HHD Development Corp.	To collect a surcharge of \$3,000 per customer
*PSC-23-02-00012-P	..... exempt	Real Time Pricing Program	To extend the pilot and begin the expansion
*PSC-25-02-00021-P	..... exempt	Use of refunded over-charges by the Village of Rockville Centre	To use refunded over-charges for imported power
*PSC-25-02-00024-P	..... exempt	Customer average interruption duration index (CAIDI) target levels by Orange and Rockland Utilities, Inc.	To update the CAIDI targets for the central and western operating divisions
*PSC-26-02-00014-P	..... exempt	Outreach and education plan by New York State Electric & Gas Corporation	To consider modifications
*PSC-26-02-00016-P	..... exempt	Joint proposal by National Fuel Gas Distribution Corporation	To rehear the April 18, 2002 order
*PSC-27-02-00015-P	..... exempt	Daily balancing service by Keyspan Gas East Corporation, d/b/a Brooklyn Union of L.I.	To provide a daily balancing program
*PSC-28-02-00014-P	..... exempt	Underground electric service lines	To require that utilities locate underground electric service lines prior to excavation or demolition work
*PSC-29-02-00012-P	..... exempt	Approval of rates and types of service by the Small Customer Marketer Coalition	To provide billing service for customers
*PSC-29-02-00013-P	..... exempt	Submetering of electricity by Municipal Housing Authority of the City of Utica, NY	To permit a conversion to electric submetering
*PSC-29-02-00014-P	..... exempt	Financing by Valley Energy, Inc.	To issue a note and allocate costs
*PSC-29-02-00019-P	..... exempt	Designation of channel capacity by Cablevision Systems Long Island Corporation	To establish specific standards
*PSC-31-02-00010-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Global NAPs, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-32-02-00011-P	..... exempt	Restructuring of corporate debt by Orion Power New York, L.P.	To approve the restructuring of corporate debt
*PSC-33-02-00011-P	..... exempt	Gas practices by Corning Natural Gas Corporation	To change gas practices
*PSC-33-02-00013-P	..... exempt	Allocation of a tax refund by KeySpan Gas East Corporation d/b/a KeySpan Energy Delivery Long Island	To approve a method for distribution

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-02-00009-P	..... exempt	Competitive metering	To modify competitive metering procedures
*PSC-34-02-00014-P	..... exempt	Accounting authorization by Bath Electric, Gas and Water Systems	To defer an item of expense
*PSC-34-02-00017-P	..... exempt	Uniform methods of keeping accounts and records	To investigate the need for generic rules regarding cash management systems
*PSC-34-02-00018-P	..... exempt	Stock purchase by United Waterworks Inc. and South County Services Company, Inc.	To approve the acquisition of stock
*PSC-35-02-00021-P	..... exempt	Deferred accounting treatment by Aquarion Water Company of New York	To defer expenses
*PSC-36-02-00013-P	..... exempt	Permanent rates by Forever Wild Water Company, Inc.	To establish permanent rates
*PSC-36-02-00015-P	..... exempt	Water service by Roland Properties, Inc.	To allow abandonment of the water system
*PSC-41-02-00014-P	..... exempt	Calculation of franchise fees by Cablevision Systems Westchester Corp.	To exclude franchise fees from inclusion in the calculation of gross receipts
*PSC-42-02-00007-P	..... exempt	Rehearing of incentive plan by Verizon New York Inc.	To reexamine the plan
*PSC-43-02-00008-P	..... exempt	Utility billing by Niagara Mohawk Power Corporation	To rehear the petition
*PSC-43-02-00009-P	..... exempt	Utility billing by Cost Control Associates, Inc.	To rehear the petition
*PSC-43-02-00010-P	..... exempt	Lightened regulation by PPL Freeport Energy, LLC	To consider the request for lightened regulation
*PSC-43-02-00011-P	..... exempt	Utility billing by Niagara Mohawk Power Corporation	To consider rehearing/clarification of the order
*PSC-43-02-00012-P	..... exempt	Utility billing by Cost Control Associates, Inc.	To rehear/clarify the order
*PSC-44-02-00005-P	..... exempt	Accounting for affiliate transactions by Frontier Telephone of Rochester, Inc. et al.	To accurately reflect all transactions between affiliated companies
*PSC-44-02-00010-P	..... exempt	Petition for clarification by Consolidated Edison Company of New York, Inc.	To clarify the current ratemaking framework application to the company's steam operation
*PSC-48-02-00010-P	..... exempt	Application for non-residential service form by The Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York	To revise the form
*PSC-48-02-00011-P	..... exempt	Submetering of natural gas service by Quaker Crossing, LLC	To extend service to commercial customers at the Quaker Crossing Retail Center
*PSC-48-02-00014-P	..... exempt	New types of water meters by Sea Cliff Water Company	To approve the use of PSION/RAMAR radio frequency meter reading device
*PSC-49-02-00018-P	..... exempt	Water service by Gilbert Road Water Works, Inc.	To allow abandonment of the water system
*PSC-49-02-00021-P	..... exempt	Requests for lightened regulation by PSEG Power Bellport, LLC	To consider the company's request
*PSC-49-02-00025-P	..... exempt	Pole attachment rate by Cable Television and Telecommunications Association of New York, Inc.	To consider petition for rehearing
*PSC-49-02-00026-P	..... exempt	Public interest payphones	To consider modification procedures
*PSC-50-02-00016-P	..... exempt	Rate changes by Constellations New Energy, Inc.	To revise New York State Electric and Gas Corporation's bundled rate option

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-53-02-00007-P	..... exempt	Long-term debt requirement by Frontier Telephone of Rochester, Inc.	To waive certain conditions
*PSC-53-02-00008-P	..... exempt	Petition for rehearing by New York State Electric & Gas Corporation	To consider the approved revisions
PSC-02-03-00008-P	..... exempt	Street lighting billing methods by Niagara Mohawk Power Corporation	To more clearly define the netting and backbilling methods
PSC-03-03-00006-P	..... exempt	Recovery of costs by Consolidated Edison Company of New York, Inc.	To approve the request
PSC-03-03-00008-P	..... exempt	Use of utility generated funds by The Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York, et al.	To consider granting approval of the companies' joint petition
PSC-04-03-00008-P	..... exempt	Uniform system of accounts by United Water New York Inc.	To defer an item of expense beyond the end of the year in which it was incurred
PSC-04-03-00009-P	..... exempt	Uniform system of accounts by United Water New Rochelle Inc.	To defer an item of expense beyond the end of the year in which it was incurred
PSC-04-03-00012-P	..... exempt	Billing dispute between Community Network Services, Inc. and Verizon New York Inc.	To resolve the matter
PSC-05-03-00011-P	..... exempt	Submetering of natural gas service by Royalton Realty Company	To provide gas service at 110 Leroy St., New York, NY
PSC-05-03-00012-P	..... exempt	Uniform system of accounts by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
PSC-06-03-00015-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Teleport Communications Group Inc.	To amend the agreement
PSC-06-03-00028-P	..... exempt	Discontinuance of water service by HHD Development Corp.	To allow the company to abandon the water system
PSC-08-03-00009-P	..... exempt	Provision of gas service to World Kitchen Incorporated	To establish terms and conditions
PSC-09-03-00009-P	..... exempt	Individual metering rules by Bowery Residence Committee	To master meter at the Glass Factory, 139 Ave. D, New York, NY
PSC-09-03-00011-P	..... exempt	Renewable sources of electricity	To develop and implement a renewable portfolio standard for electric energy
PSC-09-03-00012-P	..... exempt	Incremental service line installations by New York State Electric & Gas Corporation	To revise the current flat rate per foot charged
PSC-09-03-00014-P	..... exempt	Deferral accounting by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.	To defer expense items beyond the end of the year(s) in which they were incurred
PSC-09-03-00015-P	..... exempt	Deferral accounting by Consolidated Edison Company of New York, Inc.	To defer expense items beyond the end of the year(s) in which they were incurred
PSC-09-03-00016-P	..... exempt	Steam rates by Consolidated Edison Company of New York, Inc.	To modify the steam joint proposal
PSC-09-03-00017-P	..... exempt	Steam service by Consolidated Edison Company of New York, Inc.	To amend the steam joint proposal
PSC-10-03-00002-P	..... exempt	Termination of restructure plan by Verizon New York Inc.	To terminate the restructure plan
PSC-10-03-00003-P	..... exempt	Rehearing of commission's order by Statutory Residents of the Royal York	To rehear the commission's order

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-10-03-00006-P	..... exempt	Issuance of securities by New York State Electric & Gas Corporation	To permit the company to issue securities
PSC-11-03-00012-P	..... exempt	Economic development plan by New York State Electric & Gas Corporation	To consider the plan
PSC-11-03-00014-P	..... exempt	Stock purchase by Wellesley Island Holding Corp.	To acquire The Thousand Islands Club Water Company, Inc.'s stock
PSC-14-03-00005-P	..... exempt	Service Quality Assurance Program by Niagara Mohawk Power Corporation	To increase certain performance targets
PSC-15-03-00011-P	..... exempt	Exchange of retail access data between jurisdictional utilities and eligible ESCO/marketers	To establish uniform statewide retail access EDI data standards
PSC-15-03-00012-P	..... exempt	Customer service center closures by Rochester Gas and Electric Corporation	To consider the impact on customer service quality
PSC-15-03-00013-P	..... exempt	Customer service center closures by New York State Electric & Gas Corporation	To consider the impact on customer service quality
PSC-16-03-00031-P	..... exempt	Interconnection agreement between Frontier Communications of New York, Inc. and T-Mobile USA	To review the terms and conditions of the negotiated agreement
PSC-16-03-00032-P	..... exempt	Interconnection agreement between Citizens Telecommunications Company of New York, Inc., et al. and AT&T Communications of New York, Inc., et al.	To review the terms and conditions of the negotiated agreement
PSC-16-03-00038-P	..... exempt	Certificate of environmental compatibility and public need by Flat Rock Wind Power, LLC	To insure the environmental compatibility of the proposed facility
PSC-17-03-00006-P	..... exempt	Interconnection agreement between Crown Point Telephone Corporation and PrimeLink, Inc.	To review the terms and conditions of the negotiated agreement
PSC-17-03-00008-P	..... exempt	Gas Low-Income Program by Orange and Rockland Utilities, Inc.	To modify the program
PSC-17-03-00009-P	..... exempt	Pole attachments	To resolve issues
PSC-17-03-00010-P	..... exempt	Cost deferrals by Rochester Gas & Electric Corporation	To defer incremental costs related to the April 3, 2003 ice storm
PSC-18-03-00003-P	..... exempt	System average interruption frequency index (SAIFI) by Central Hudson Gas & Electric Corporation	To utilize a different methodology for recalculation
PSC-18-03-00004-P	..... exempt	Lightened regulation by East Hampton Power and Light Corporation (EHPLC)	To provide for lightened regulation and grant financing approval
PSC-18-03-00007-P	..... exempt	Calculation of franchise fees by Cablevision of Rockland/Ramapo Inc. and the Village of Montebello	To permit exclusion of franchise fee collections from calculation of gross revenues
PSC-19-03-00015-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Level 3 Communications, LLC	To amend the agreement
PSC-19-03-00028-P	..... exempt	EDI transaction set standards	To add additional measurement significance codes
PSC-20-03-00013-P	..... exempt	Performance regulatory plan by Verizon New York Inc.	To modify the service accuracy audit process
PSC-20-03-00014-P	..... exempt	Designation as eligible telecommunications carrier by AT&T Communications of New York, Inc.	To allow participation in Federal universal support programs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-20-03-00019-P	..... exempt	Waivers of certain filing requirements by Niagara Mohawk Power Corporation	To determine whether appropriate filing requirements are met
PSC-21-03-00016-P	..... exempt	Verizon incentive plan	To modify the existing complaint performance objective
PSC-22-03-00015-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Time Warner Telecom - NY L.P.	To amend the agreement
PSC-22-03-00019-P	..... exempt	Interruptible gas service	To revise the rates
PSC-22-03-00020-P	..... exempt	Inter-departmental gas pricing by Consolidated Edison Company of New York, Inc.	To revise the method used in steam and steam-electric generating stations
PSC-22-03-00021-P	..... exempt	Unbundling by Consolidated Edison Company of New York, Inc. and New York State Electric and Gas Corporation	To establish a method for calculations
PSC-22-03-00023-P	..... exempt	Franchise fee due the City of Ithaca by Time Warner Cable	To exclude public, educational and governmental access fees from the definition of gross revenues
PSC-22-03-00026-P	..... exempt	Inter-departmental gas pricing by Consolidated Edison Company of New York, Inc.	To revise the pricing method
PSC-22-03-00027-P	..... exempt	Water service by Shelter Valley Water Works, Inc.	To abandon the water system
PSC-23-03-00007-P	..... exempt	Opinion 99-5 by information providers and IP support providers	To extend the transition period for Verizon New York Inc.'s Info FONE services
PSC-23-03-00008-P	..... exempt	Authorization to defer losses from pension settlement by Niagara Mohawk Power Corporation	To resolve the rate making of the pension settlement loss
PSC-24-03-00009-P	..... exempt	Transfer of assets by Steven Silverman	To transfer all assets to Bethel Water Company, Inc.
PSC-25-03-00006-P	..... exempt	Security deposit requirements by Niagara Mohawk Power Corporation	To assess a security deposit to certain customers
PSC-26-03-00019-P	..... exempt	Rehearing by New York State Electric and Gas Corporation	To allow a rehearing of commission orders
PSC-26-03-00021-P	..... exempt	Lease of real property by The Brooklyn Union Gas Company and Consolidated Edison Company of New York, Inc.	To consider the proposed lease of a building
PSC-26-03-00022-P	..... exempt	Water rate increase by Fishers Island Water Works Corporation	To increase annual revenues
PSC-28-03-00015-P	..... exempt	Commodity adjustment clause reconciliation mechanism by Niagara Mohawk Power Corporation	To recoup from customers net underrecoveries of commodity charges
PSC-28-03-00016-P	..... exempt	Submetering of electricity by Queens Fresh Meadows, LLC	To submeter electricity at 188-02 64th Ave., New York, NY
PSC-28-03-00021-P	..... exempt	Issuance of debt by Birch Hill Water Supply Corporation	To construct a water filtration system
PSC-28-03-00022-P	..... exempt	Special annual assessment by Birch Hill Water Supply Corporation	To support a drinking water State revolving fund loan
PSC-28-03-00023-P	..... exempt	Water rates and charges by Reagans Mill Water Company	To increase annual revenues

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-29-03-00001-P	..... exempt	Pole attachment rates by Verizon New York Inc.	To determine the appropriate rates
PSC-29-03-00002-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Broadview Networks, Inc.	To amend the agreement
PSC-29-03-00003-P	..... exempt	Interconnection agreement between Verizon New York Inc. and InterGlobe Communications	To review the terms and conditions of the negotiated agreement
PSC-29-03-00004-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Cypress Communications Operating Company, Inc.	To review the terms and conditions of the negotiated agreement
PSC-29-03-00005-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Northeast Optic Network of New York, Inc.	To review the terms and conditions of the negotiated agreement
PSC-29-03-00006-P	..... 07/22/04c	Electric meter testing and reporting requirements	To streamline requirements
PSC-29-03-00007-P	..... 07/22/04c	Natural gas transmission, distribution and gathering line facilities	To conform with Federal regulations
PSC-29-03-00008-P	..... exempt	Initial tariff schedule by Great Expectations, LLC	To establish metered rates
PSC-30-03-00008-P	..... exempt	Recovery of cost energy conservation programs by the New York Municipal Power Agency	To recover the costs of the Municipal Alternative-Vehicle Program and other programs
PSC-30-03-00011-P	..... exempt	Water rates and charges by United Water New York Inc.	To recover a net revenue undercollection
PSC-30-03-00012-P	..... exempt	Stock purchase by Birmingham Utilities, Inc.	To acquire the stock from Philadelphia Suburban Corporation
PSC-31-03-00013-P	..... exempt	Water rates and charges by Somerdel Water-Works Corp.	To increase annual revenues
PSC-31-03-00014-P	..... exempt	Deferred accounting by Aquarion Water Company of New York	To defer an increase in the cost of water purchased from the Westchester Joint Water Works
PSC-32-03-00009-P	..... exempt	Interconnection agreement between Champlain Telephone Company and Westelcom Network, Inc.	To review the terms and conditions of the negotiated agreement
PSC-32-03-00020-P	..... exempt	Issuance of debt and approval of surcharge by Rainbow Water Company	To approve necessary financing
PSC-34-03-00010-P	..... exempt	Hot-cuts by Verizon New York Inc.	To determine the appropriate hot-cuts of Verizon New York Inc.
PSC-34-03-00011-P	..... exempt	Mutual aid and restoration consortium by the City of New York	To require mandatory participation by New York City metropolitan area telecommunications carriers
PSC-34-03-00012-P	..... exempt	Interconnection of networks by Verizon New York Inc. and Covad Communications	To review the terms and conditions of the agreement
PSC-34-03-00013-P	..... exempt	Interconnection of networks by Verizon New York Inc. and Long Island Telephone Company	To review the terms and conditions of the agreement
PSC-34-03-00014-P	..... exempt	Rochester Gas and Electric Corporation's economic development plan	To consider the proposal

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-34-03-00019-P	..... exempt	Issuance of securities by KeySpan East Corporation d/b/a KeySpan Energy Delivery Long Island	To obtain authorization to issue securities
PSC-34-03-00020-P	..... exempt	Issuance of securities by Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York	To obtain authorization to issue securities
PSC-35-03-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and MCIMetro Access Transmission Services LLC	To amend the agreement
PSC-35-03-00010-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Intermedia Communications, Inc.	To amend the agreement
PSC-35-03-00011-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Brooks Fiber Communications of New York, Inc.	To amend the agreement
PSC-35-03-00012-P	..... exempt	Interconnection agreement between Verizon New York Inc. and MCI WORLDCOM Communications, Inc.	To amend the agreement
PSC-35-03-00013-P	..... exempt	Interconnection agreement between DFT Local Service Corporation d/b/a Select One and ALLTEL New York, Inc.	To review the terms and conditions of the negotiated agreement
PSC-35-03-00014-P	..... exempt	Merger by Berkshire Telephone Corporation, et al.	To approve the merger of FairPoint Berkshire Corporation into Berkshire Telephone Corporation
PSC-35-03-00015-P	..... exempt	Standby rates and charges by Consolidated Edison Company of New York, Inc.	To revise the tariff regarding on-site generation
PSC-35-03-00019-P	..... exempt	Long Term Main Renewal Program by United Water New Rochelle Inc.	To extend the program
PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
PSC-36-03-00011-P	..... exempt	Customer service quality mechanism by New York State Electric & Gas Corporation	To consider revisions
PSC-36-03-00015-P	..... exempt	Transfer of property by New York State Electric and Gas Corporation	To transfer the Court St. building and property to 267 Court Street, LLC
PSC-37-03-00009-P	..... exempt	Local circuit switches serving DS1 capacity and higher enterprise customers	To review specific operational and economic criteria
PSC-37-03-00010-P	..... exempt	Rates for standby electric service by Orange & Rockland Utilities, Inc.	To determine conditions of eligibility for exemption from, or phase-in of, standby rates
PSC-37-03-00011-P	..... exempt	Rates for standby electric service by Consolidated Edison Company of New York, Inc.	To determine conditions of eligibility for exemption from, or phase-in of, standby rates
PSC-37-03-00016-P	..... exempt	Economic development plan by Rochester Gas and Electric Corporation	To revise the plan
PSC-37-03-00017-P	..... exempt	Real estate tax reconciliation by United Water New Rochelle Inc.	To resolve the amount to be deferred
PSC-37-03-00018-P	..... exempt	Property tax refunds by United Water New York Inc.	To resolve the amount to be deferred
PSC-38-03-00010-P	..... exempt	FCC's triennial review order	To undertake review of specific requirements due to results of order

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-38-03-00011-P	..... exempt	FCC's triennial review order	To undertake review of specific requirements as a result of the order
PSC-38-03-00012-P	..... exempt	FCC's triennial review order	To undertake review of specific requirements as a result of order
PSC-39-03-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and DFT Local Service Corporation d/b/a DFT Select One	To review the terms and conditions of the agreement
PSC-39-03-00010-P	..... exempt	Interconnection agreement between Verizon New York Inc. and XO New York, Inc.	To review terms and conditions of the agreement
PSC-39-03-00011-P	..... 03/29/04	Interconnection agreement between Citizens Telecommunications Company of New York, Inc. d/b/a Frontier Citizens Communications of New York and Time Warner Telecom-NY, L.P.	To review the terms and conditions of the agreement
PSC-39-03-00013-P	..... exempt	Complaint by State University of New York (SUNY) regarding a NYSEG operating agreement	To consider the complaint
PSC-39-03-00015-P	..... exempt	Minor rate increase by Woodhull Municipal Gas Company	To increase annual gas revenues
PSC-39-03-00016-P	..... exempt	Modifications to performance targets by Niagara Mohawk Power Corporation	To approve modifications
PSC-39-03-00017-P	..... exempt	Calculation of franchise fees by Cablevision Systems Long Island Corp.	To exclude the amount of franchise fees collected from inclusion in gross receipts
PSC-39-03-00018-P	..... exempt	Calculation of franchise fees by Cablevision of Wappingers Falls, Inc.	To exclude the amount of franchise fees collected from inclusion in gross receipts
PSC-39-03-00019-P	..... exempt	Transfer of assets by Time Warner Cable, Inc.	To approve the transfer of certain assets
PSC-40-03-00010-P	..... exempt	Submetering of electricity by Hudson Park Investors, LLC	To submeter electricity at Hudson Park Apartments
PSC-40-03-00013-P	..... exempt	Calculation of billing by Nucor Steel Auburn, Inc.	To consider policies and practices of New York State Electric & Gas Corporation
PSC-40-03-00014-P	..... exempt	Calculation of billing by Corning Incorporated	To consider policies and practices of New York State Electric & Gas Corporation
PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
PSC-40-03-00016-P	..... exempt	Deferral request by United Water New Rochelle Inc.	To resolve the amount to be deferred
PSC-41-03-00007-P	..... exempt	Definition of telephone service by Frontier Telephone of Rochester, Inc.	To investigate and determine telephone services
PSC-41-03-00008-P	..... exempt	Lightened regulation by Sterling Power Partners, L.P.	To consider granting lightened regulation
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-41-03-00012-P	..... exempt	Customer service agreements by Niagara Mohawk Power Corporation	To seek release from terms of two particular customer service agreements

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-42-03-00005-P	..... exempt	Interest rate by the Bath Electric, Gas, and Water Systems	To use an alternate interest rate
PSC-42-03-00006-P	..... exempt	Non-core transportation service for electric generation by the Brooklyn Union Gas Company	To revise the methodology
PSC-42-03-00007-P	..... exempt	Non-core transportation service for electric generation by KeySpan Gas East Corporation	To revise the methodology
PSC-42-03-00008-P	..... exempt	Distributed generation by St. Lawrence Gas Company	To institute firm delivery service
PSC-42-03-00009-P	..... exempt	Services for KeySpan Corporation by Jefferson Wells International	To grant permission to perform services
PSC-42-03-00010-P	..... exempt	Rider X tariff by Consolidated Edison of New York, Inc.	To amend the tariff
PSC-42-03-00011-P	..... exempt	Property transfer by Niagara Mohawk Power Corporation	To transfer property to 1304 Buckley Road Associates, LLC
PSC-42-03-00013-P	..... exempt	Water rates and charges by Forest Park Water Company, Inc.	To increase annual revenues
PSC-43-03-00001-P	..... exempt	Standby rates issues	To consider criteria
PSC-43-03-00033-P	..... exempt	Submetering of electricity by JDM Washington Street LLC	To permit submetering at 90 Washington St., New York, NY
PSC-43-03-00034-P	..... exempt	Plattsburgh Airbase Redevelopment Corporation and it's electric customers by New York State Electric & Gas Corporation	To transition customer rates
PSC-43-03-00036-P	..... exempt	Merchant function backout credit and transition balancing account by KeySpan Gas East Corporation	To continue the credit and account until May 31, 2005
PSC-43-03-00037-P	..... exempt	Merchant function backout credit and transition balancing account by The Brooklyn Union Gas Company	To continue the credit and account until May 31, 2005
PSC-43-03-00038-P	..... exempt	Distributed generation commercial and industrial by Corning Natural Gas Corporation	To institute firm delivery service
PSC-43-03-00039-P	..... exempt	Internal corporate ownership restructuring by Charter Communications Holding Company, LLC	To approve various cable service systems
PSC-43-03-00040-P	..... exempt	Waiver of franchise procedures by the Town of Angelica	To expedite the franchising process with Time Warner Cable
PSC-43-03-00041-P	..... exempt	Issuance of debt by Long Island Water Corporation	To allow issuance of bonds or other forms of indebtedness
PSC-44-03-00007-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, LP	To permit electric submetering at 175 W. 87th St., New York, NY
PSC-44-03-00008-P	..... exempt	Submetering of natural gas by New York City Economic Development Corporation	To approve for submetering at Fulton Fish Market, 800 Food Center Dr., Bronx, NY
PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
PSC-44-03-00010-P	..... exempt	Bill formats	To propose a uniform bill format
PSC-44-03-00011-P	..... exempt	Wireless attachments by Niagara Mohawk Power Corporation and Nextel Partners	To attach wireless facilities in the Town of West Seneca

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-44-03-00012-P	..... exempt	Waivers of filing requirements by Rochester Gas & Electric Corporation	To determine whether the appropriate filing requirements are met
PSC-45-03-00006-P	..... exempt	Complaint by Global NAPs, Inc.	To consider a complaint against Verizon New York Inc.
PSC-45-03-00007-P	..... exempt	Temporary suspension of obligations by New York State Telecommunications Association, Inc.	To consider the effects of requests for number portability
PSC-45-03-00008-P	..... exempt	Rules and guidelines in the Environmental Disclosure Program	To allow more flexibility when scheduling
PSC-45-03-00009-P	..... exempt	Rate and restructuring plans by National Fuel Gas Distribution Corporation (NFGD)	To consider whether NFGD should be required to purchase the accounts receivable of energy service companies
PSC-45-03-00010-P	..... exempt	Environmental expenses by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and the KeySpan Gas East Corporation d/b/a KeySpan Energy Delivery Long Island	To recover certain environmental costs
PSC-45-03-00011-P	..... exempt	Revolving credit agreement by Central Hudson Gas and Electric Corporation	To issue medium term notes
PSC-45-03-00012-P	..... exempt	Water rates and charges by Rural Atlantic Water Company	To increase annual revenues
PSC-46-03-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and ICG Telecom Group, Inc.	To amend and clarify provisions regarding resale attachment
PSC-46-03-00010-P	..... exempt	Interconnection of networks between Frontier Communications of Seneca-Gorham, Inc. and Cat Communications International, Inc.	To review the terms and conditions of the negotiated agreement
PSC-46-03-00011-P	..... exempt	Interconnection of networks between Frontier Communications of New York, Inc. and Frontier Communications of America, Inc.	To review the terms and conditions of the negotiated agreement
PSC-46-03-00013-P	..... exempt	Interconnection of networks between Citizens Telecommunications Company of New York, Inc. and Cat Communications International, Inc.	To review the terms and conditions of the negotiated agreement
PSC-46-03-00014-P	..... exempt	Interconnection of networks between Frontier Communications of New York, Inc., et al. and Citizens Telecommunications Company of New York, Inc., et al.	To review the terms and conditions of the negotiated agreement
PSC-46-03-00015-P	..... exempt	Deferral and recovery of costs by Consolidated Edison Company of New York, Inc.	To recover costs associated with the implementation of a demand side management program
PSC-47-03-00008-P	..... exempt	Interconnection of networks between Verizon New York Inc. and USA Easy Pay Phone	To review terms and conditions of the negotiated agreement
PSC-47-03-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Prepaytel, Inc.	To review the terms and conditions of the negotiated agreement
PSC-47-03-00010-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Westelcom Network, Inc.	To review the terms and conditions of the negotiated agreement
PSC-47-03-00011-P	..... exempt	Interconnection agreement between Verizon New York Inc. and WorldxChange Corporation	To review the terms and conditions of the negotiated agreement
PSC-47-03-00012-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Norvergence, Inc.	To review the terms and conditions of the negotiated agreement

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-47-03-00013-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Now Acquisition Corporation	To review the terms and conditions of the negotiated agreement
PSC-47-03-00014-P	..... exempt	Interconnection agreement between Verizon New York Inc. and PNG Telecommunications, Inc.	To review the terms and conditions of the negotiated agreement
PSC-47-03-00015-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Focal Communications Corporation of New York	To review the terms and conditions of the negotiated agreement
PSC-47-03-00016-P	..... exempt	Interconnection agreement between Verizon New York Inc. and KMC Data, LLC	To review the terms and conditions of the negotiated agreement
PSC-47-03-00017-P	..... exempt	Interconnection agreement between Verizon New York Inc. and KMC Telecom V, Inc.	To review the terms and conditions of the negotiated agreement
PSC-47-03-00018-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Digizip.com Inc.	To review the terms and conditions of the negotiated agreement
PSC-47-03-00019-P	..... exempt	Interconnection agreement between Signatory Independent Local Exchange Carrier and Southwestern Bell Mobile Systems LLC d/b/a Cingular Wireless	To review the terms and conditions of the negotiated agreement
PSC-47-03-00020-P	..... exempt	Standby service by Rochester Gas and Electric Company	To revise the rates, terms and conditions
PSC-47-03-00021-P	..... exempt	Standby service by New York State Electric & Gas Corporation	To revise the rates, terms and conditions
PSC-47-03-00022-P	..... exempt	Standby service by Orange and Rockland Utilities, Inc.	To revise the rates, terms and conditions
PSC-47-03-00023-P	..... exempt	Standby service by Consolidated Edison Company of New York, Inc.	To revise the rates, terms and conditions
PSC-47-03-00024-P	..... exempt	Lightened regulation and financing approval by Medford Energy LLC	To consider the requests
PSC-47-03-00025-P	..... exempt	Transfer and lease back of certain building facilities and associated realty by Niagara Mohawk Power Corporation	To transfer and lease back certain facilities from Iskalo Development Corporation
PSC-47-03-00026-P	..... exempt	Initial electronic tariff schedule by James V. Lettiere, Jr. d/b/a Lettiere Water System	To approve the schedule, establish an escrow account and surcharge statement
PSC-47-03-00027-P	..... exempt	Issuance of debt by Emerald Green Lake Louise Marie Water Company	To enter into a loan agreement with Community Bank of Sullivan County
PSC-48-03-00010-P	..... exempt	Provision of high capacity loops as unbundled network elements by Verizon New York Inc.	To determine whether further proceedings are necessary to ensure compliance
PSC-48-03-00011-P	..... exempt	Submetering of electricity by Sea Park East L.P.	To permit electric submetering at 2980 W. 28th St., 2970 W. 27th St. and 2727 Surf Ave., Brooklyn, NY
PSC-48-03-00012-P	..... exempt	Submetering of electricity by Sea Park West L.P.	To permit electric submetering at 2929 W. 31st St. and 2930 W. 30th St., Brooklyn, NY
PSC-48-03-00013-P	..... exempt	Submetering of electricity by Sea Park North L.P.	To permit electric submetering at 2828 W. 28th St., Brooklyn, NY
PSC-48-03-00014-P	..... exempt	Lightened regulation and financing approval by Calpine Eastern Corporation	To consider the request in connection with a proposed electric generating facility
PSC-48-03-00015-P	..... exempt	Mini rate increase by Village of Arcade	To increase annual electric revenues by approximately \$297,000 or 7.5 percent

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-48-03-00016-P	..... exempt	Exchange of retail access data by Rochester Gas & Electric Corporation	To receive detailed metered usage data
PSC-48-03-00017-P	..... exempt	Enrollment request and change request standards	To bring standards into compliance
PSC-48-03-00018-P	..... exempt	Calculation of franchise fees by Cablevision of Wappingers Falls, Inc.	To exclude franchise fees collected from subscribers from inclusion in the company's calculation of gross receipts
PSC-48-03-00019-P	..... exempt	Franchising process by the Town of Lorraine	To expedite the franchising process
PSC-49-03-00006-P	..... exempt	Interconnection of networks between Celco Partnership d/b/a Verizon Wireless and the Signatory Independent Local Exchange Carrier	To provide telephone exchange services and exchange access
PSC-49-03-00007-P	..... exempt	Distributed antenna systems by Niagara Mohawk Power Corporation and National Grid Communications, Inc.	To approve pole attachment rates
PSC-49-03-00008-P	..... exempt	Recovery of certain costs related to phase 5 of the Retail Access Program by Consolidated Edison Company of New York, Inc.	To recover certain costs
PSC-49-03-00009-P	..... exempt	Transmission and distribution of gas by the Northeast Gas Association	To grant a waiver of certain requirements
PSC-49-03-00010-P	..... exempt	Request for accounting authorization by Corning Natural Gas Corporation	To defer incremental interest expense
PSC-49-03-00011-P	..... exempt	Transfer of certain cable system facilities by RCN Telecom Services, Inc.	To approve the transfer
PSC-49-03-00012-P	..... exempt	Electronic filing of tariff schedule by Somers Chase Water Works Corporation	To set forth rates, charges and regulations
PSC-50-03-00004-P	..... exempt	Day Ahead Demand Response Program by Niagara Mohawk Power Corporation	To amend the tariff language contained in form L11
PSC-50-03-00005-P	..... exempt	Transfer of ownership interests by Sithe/Independence Power Partners, L.P. and Oswego Cogen Company, LLC	To approve the transfer
PSC-51-03-00001-P	..... exempt	Joint proposal by Consolidated Edison Company of New York, Inc.	To consider the management and operation of IP2 from 1985 to 2001
PSC-51-03-00002-P	..... exempt	General retail access--multi-retailer model by Rochester Gas and Electric Corporation	To transition electric tariffs
PSC-51-03-00003-P	..... exempt	Standardized interconnection requirements	To increase the upper threshold capacity to 2 MW
PSC-51-03-00004-P	..... exempt	Transfer of ownership interests by UtilCo Group Inc., et al.	To transfer ownership interests in entities that own two New York power generating facilities
PSC-51-03-00005-P	..... exempt	Interruptible gas rates by St. Lawrence Gas	To provide exemption from the Nov. 4, 2003 order
PSC-51-03-00006-P	..... exempt	General retail access - multi-retailer model by Rochester Gas and Electric Corporation	To transition the gas tariff
PSC-51-03-00007-P	..... exempt	Filing requirements in article VII proceedings by Conjunction, LLC	To insure the environmental compatibility
PSC-51-03-00008-P	..... exempt	Long Term Main Renewal Program by United Water New Rochelle Inc.	To extend the program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-52-03-00021-P	..... exempt	Interconnection of networks between Verizon New York Inc. and Telecon Communications Corporation	To review the terms and conditions of the negotiated agreement
PSC-52-03-00022-P	..... exempt	Major rate increase by the Village of Freeport	To increase annual electric revenues
PSC-52-03-00023-P	..... exempt	Request for accounting authorization by Rochester Gas & Electric Corporation	To allow the company to defer an item of expense beyond the end of the year in which it was incurred
PSC-02-04-00006-P	..... exempt	Additional intercarrier service quality guidelines by Verizon New York Inc.	To review the petition for reconsideration and clarification
PSC-02-04-00007-P	..... exempt	Transfer of property by Consolidated Edison Company of New York, Inc.	To approve the transfer
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-02-04-00009-EP	..... exempt	Retail Access Program by Niagara Mohawk Power Corporation	To reduce operating costs
RACING AND WAGERING BOARD			
RWB-34-03-00004-P	..... 02/23/04	Submission of veterinarian treatment records	To amend the time frames for submitting treatment records
RWB-50-03-00001-P	..... 06/14/04	Discretion by the stewards when determining whether to disqualify	To consider whether the foul altered the finish
STATE, DEPARTMENT OF			
*DOS-53-02-00018-RP	..... 12/31/03c	Fire safety standards for cigarettes	To limit ignition risk
DOS-45-03-00002-P	..... 05/10/04	Cease and desist zone for real estate brokers and salespersons	To establish a cease and desist zone in the Brooklyn communities of Mill Basin, Mill Island, Bergen Beach, Futurama and Marine Park
DOS-52-03-00002-EP	..... 06/28/04	Inspection of college buildings for fire safety compliance	To protect college students and staff
DOS-52-03-00019-EP	..... 06/28/04	Filing of security interests	To implement the provisions of art. 9 of the Uniform Commercial Code
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-38-03-00017-P	..... 03/22/04	Sales on Indian reservations	To implement the collection of excise taxes and sales and compensating use taxes on retail sales made to non-Indians
TAF-45-03-00003-P	..... 05/10/04	Taxation of foreign corporations participating in a trade show	To provide limited participation in a trade show or shows
TAF-45-03-00004-P	..... 05/10/04	Registration of wholesale dealers of cigarettes	To require wholesale dealers of cigarettes that sell cigarettes at retail to also register as retail dealers
TAF-45-03-00005-P	..... 05/10/04	Fuel use tax	To set the sales tax component for the calendar quarter Jan. 1, 2004 through March 31, 2004
TAF-52-03-00024-P	..... 06/28/04	Personal income tax regulations	To amend the regulations

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-11-03-00007-P	..... 03/18/04c	Fee for lost or stolen identification cards	To impose a fee for replacement of lost or stolen cards
TDA-15-03-00003-P	..... 04/15/04c	Families in Transition Act	To permit the continuation of public assistance eligibility for a child whose adult relative caretaker has died
TDA-19-03-00011-P	..... 05/13/04c	Temporary housing assistance	To provide safeguards to individuals and families
TDA-20-03-00002-P	..... 05/20/04c	Eligibility for food stamps	To implement Federal requirements
TDA-24-03-00001-EP	..... 06/17/04c	Temporary shelter supplements	To provide supplements to persons who are no longer eligible for family assistance
TDA-28-03-00008-P	..... 07/15/04c	Eligibility of refugees, asylees and aliens for public assistance	To implement changes to requirements
TDA-40-03-00005-P	..... 04/05/04	Residency requirements for public assistance recipients	To repeal obsolete regulations
TRANSPORTATION, DEPARTMENT OF			
TRN-40-03-00004-P	..... 04/05/04	Public Transportation Safety Board	To clarify requirements

RULE REVIEW

DEPARTMENT OF CIVIL SERVICE

Five Year Review of Existing Regulations

Pursuant to section 207 of the State Administrative Procedure Act (SAPA), notice is hereby provided of rules adopted by the New York State Civil Service Commission and the President of the New York State Civil Service Commission during calendar year 1999.

Contained herein is a brief description of each rule, including the statutory authority therefor; an assessment of public comment; and a statement setting forth the justification for the ongoing need for each rule and its continuation without further modification.

Amendments to Chapter II of Title 4 of NYCRR (Attendance Rules for Employees in New York State Departments and Institutions)

Statutory Authority: Civil Service Law section 6

Description of the Regulations:

The resolutions added new sections and amended existing sections of the Attendance Rules for non-managerial/confidential (Part 21 of 4 NYCRR) and managerial/confidential (Part 28 of 4 NYCRR) employees in New York State Departments and Institutions.

Sections 21.16 and 28-1.18 of the Attendance Rules were adopted to permit appointing authorities to grant overtime ineligible employees who have exhausted military leave with pay provided pursuant to the New York State Military Law, further leave with pay without charge to accruals for any period[s] of less than a workweek during which such employees are ordered to temporary military duty.

Sections 21.9 and 28-1.9 of the Attendance Rules were amended to permit agencies to grant overtime ineligible employees leave with pay without charge to accruals for any absence[s] of less than a workweek during which such employees are required to appear as a witness pursuant to a subpoena or other order of court, regardless of whether an employee is a party to the action.

These rules ensure that the Attendance Rules will be applied to employees serving in overtime ineligible positions in accordance with relevant provisions of the federal Fair Labor Standards Act (FLSA).

Assessment of Public Comment: No public comments have been received regarding these rules.

Action: The rules have functioned consistent with the purposes underlying their adoption and shall be continued without modification.

Amendments to Chapter V of 4 NYCRR (Regulations of the Department of Civil Service [President's Regulations])

Statutory Authority: Chapter 534 of the Laws of 1998, amending section 167(2) of the Civil Service Law.

Description of the Regulations:

Chapter 534 of the Laws of 1998 amended section 167(2) of the Civil Service Law to provide that unpaid board members of public authorities shall be eligible to participate in the New York State Employee Health Insurance Program (NYSHIP) after six months of service.

The regulation added a new subparagraph (iv) to section 73.1(c)(1) and a new paragraph (5) to section 73.1(e) of the President's Regulations

providing that unpaid board members of public authorities may participate in NYSHIP after six months of service and may also continue their NYSHIP enrollment upon leaving public service with 20 years or more of service in such positions.

Assessment of Public Comment: No public comments have been received regarding these rules.

Action: The rules have functioned consistent with the purposes underlying their adoption and shall be continued without modification.

Amendment to Chapter V of 4 NYCRR (Regulations of the Department of Civil Service [President's Regulations])

Statutory Authority: Civil Service Law, Article XI

Description of the Regulation:

Section 73.3(b)(1) of the President's Regulations was amended to enable participating agencies (PAs) and participating employers (PEs) in the New York State Health Insurance Program (NYSHIP) to contribute towards health insurance premiums on behalf of employees on leave without pay, provided such benefit is accorded to all employees within a class or category. The amendment provides that upon (60) days prior notice to the Department of Civil Service, PAs and PEs may provide such benefit to an eligible employee for a period of two years. This authorization may be extended for one additional two year period by the State Civil Service Commission for good cause shown and where the interests of government would be served. The amendment further provides that where contributions have been made on behalf of an employee on leave without pay for a two year period, or a four year period where authorized by the State Civil Service Commission, no further extensions may be granted unless the employee returns to his or her position and serves continuously therein for the six month period immediately preceding a subsequent leave of absence.

This regulation extends an additional potential benefit to eligible employees and forms a part of the overall "benefit package" that employers may consider when electing to adopt NYSHIP as a health insurance offering.

Assessment of Public Comment: No public comments have been received regarding this rule.

Action: The rule has functioned consistent with the purposes underlying its adoption and shall be continued without modification.

Various amendments to the Appendices to the Rules for the Classified Service

Appendix 1 (Exempt Class)

Appendix 2 (Non-competitive Class)

Statutory Authority:

Appendix 1: Civil Service Law, sections 6 and 41; 4 NYCRR 2.1

Appendix 2: Civil Service Law, sections 6 and 42; 4 NYCRR 2.2

Description of the Regulations:

Civil Service Commission rules relating to the jurisdictional classification of positions were specifically exempted from compliance with Executive Order No. 20 review requirements by the Governor's Office of Regulatory Reform (GORR), upon a finding by GORR that such review lacked substantial benefit. Based upon this determination by GORR, and pursuant to subdivision (5) of section 207 of the State

Administrative Procedure Act (SAPA), a full recitation of amendments to Appendices 1 and 2 to Title 4 of NYCRR adopted by the Civil Service Commission during calendar year 1999 is hereby omitted.

Requests for information and public comments may be directed to: Daniel E. Wall, Executive Deputy Commissioner, Department of Civil Service, State Campus, Albany, NY 12239, (518) 457-6212, e-mail address: dew@cs.state.ny.us. All submissions should be forwarded within forty-five (45) days of the publication of this notice.

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, §359-e(2)]

DEALERS; BROKERS

Acclaim Energy Trust
1900, 255 Fifth Ave. SW, Calgary, Alberta, Canada T2P 3G6
State or country in which incorporated — Canada

Aeolus Capital Management, L.P.
1270 Avenue of the Americas, New York, NY 10020
Partnership — JDA Investment Management, LLC

Ampak Oil Company
801 E. Plano Pkwy., Suite 230, Plano, TX 75074
State or country in which incorporated — Texas

Aptas, Inc.
1899 Wynkoop St., Suite 600, Denver, CO 80202
State or country in which incorporated — Delaware

Armiger Partners, LP
100 Montgomery St., 14G, Jersey City, NJ 07302
Partnership — Armiger Capital, LLC

Blue River Global Fund, L.P.
One Sansome St., Suite 2900, San Francisco, CA 94104
Partnership — Blue River Capital Management, LLC

Connected Energy Corp.
Four Commercial St., Rochester, NY 14614
State or country in which incorporated — Delaware

CORESense, Inc.
125 High Rock Ave., Saratoga Springs, NY 12866
State or country in which incorporated — New York

Cropsolution, Inc.
P.O. Box 14069, Research Triangle Park, NC 27709
State or country in which incorporated — Delaware

Cross Shore QP Partners, LP
111 Great Neck Rd., Suite 210, Great Neck, NY 11021
Partnership — Cross Shore GP, LLC

Crown Growth Partners, L.P.
60 E. 42nd St., Suite 3405, New York, NY 10165
Partnership — Crown Growth Partners LLC, general partner

DataPower Technology, Inc.
One Alewife Ctr., Fourth Fl., Cambridge, MA 02140
State or country in which incorporated — Delaware

Discovery Global Opportunity Partners, L.P.
20 Marshall St., South Norwalk, CT 06854
Partnership — Discovery Capital Management, LLC

Douglas Scott Securities, Inc.
275 W. Campbell Rd., Suite 205, Richardson, TX 75080
State or country in which incorporated — Texas

Fall River Fund
11740 N. Port Washington Rd., Mequon, WI 53092
Partnership — Fall River Capital, LLC

Game Trust, Inc.
632 Broadway, Fifth Fl., New York, NY 10012
State or country in which incorporated — Delaware

Genio Group, Inc.
1120 Avenue of the Americas, Suite 4020, New York, NY 10036
State or country in which incorporated — Delaware

Hartville Group, Inc.
1597 N. Main St., North Canton, OH 44720

HIRTLE CALLAGHAN ABSOLUTE RETURN OFFSHORE FUND,
LTD.
Hirtle, Callaghan & Co., Five Tower Bridge, 300 Barr Harbor Dr., Suite
500, West Conshohocken, PA 19428
State or country in which incorporated — Cayman Islands

HIRTLE CALLAGHAN TOTAL RETURN OFFSHORE FUND, LTD.
Hirtle, Callaghan & Co., Five Tower Bridge, 300 Barr Harbor Dr., Suite
500, West Conshohocken, PA 19428
State or country in which incorporated — Cayman Islands

HLA Investments, LLC
One Belmont Ave., Suite 900, Bala Cynwyd, PA 19004
State or country in which incorporated — Delaware

ING US Office Corporation
230 Park Ave., New York, NY 10169

JDH Equity Partners, LP
1776 S. Jackson St., Suite 901, Denver, CO 80210
Partnership — JDH Capital Management, LLC, general partner

Kenny Securities Corporation
7711 Carondelet Ave., Suite 900, St. Louis, MO 63105
State or country in which incorporated — Delaware

Light Street Real Estate LLC
Southport Place, 30 Jelliff Lane, Suite 201, Southport, CT 06890
State or country in which incorporated — Delaware limited liability company

Matrix Capital Group, Inc.
666 Fifth Ave., New York, NY 10103
State or country in which incorporated — New York

Midwood Capital Partners, L.P.
c/o Midwood Capital Management LLC, 45 Fairfield St., Fifth Fl., Boston, MA 02116
Partnership — Midwood Capital Management LLC

Monitor Coinvestors II, LP
Two Canal Park, Cambridge, MA 02141
Partnership — Monitor GP, Inc.

Monitor MBG ESC, LP
Two Canal Park, Cambridge, MA 02141
Partnership — Monitor GP, Inc.

Morgan Joseph High Yield Trading LLC
600 Fifth Ave., 18th Fl., New York, NY 10020
State or country in which incorporated — Delaware

Omnimed International, Inc.
Two Ridgedale Ave., Suite 217, Cedar Knolls, NJ 07927
State or country in which incorporated — Nevada

Praesidium Partners QP Fund, LP
747 Third Ave., 33rd Fl., New York, NY 10017
Partnership — Praesidium Advisors, LLC

Residential Income and Value-Added Fund LLC
Two Manhattanville Rd., Centre Two, Suite 207, Purchase, NY 10577
State or country in which incorporated — Delaware

Rexiter Asia ex Japan Long/Short Fund, Ltd.
% Bisys Hedge Fund Services Limited (Ireland) Limited, One George's Quay Plaza, George's Quay, Dublin 2, Ireland
State or country in which incorporated — British West Indies

Sems Diversified Value LP
237 Park Ave., Suite 801, New York, NY 10017
Partnership — Sems Diversified Value LP

Sems Strategic Value LP
237 Park Ave., Suite 801, New York, NY 10017
Partnership — Sems Strategic Value LP

SSgA Japan Equity Market Neutral Fund, Ltd.
% Bisys Hedge Fund Services Limited (Ireland) Limited, One George's Quay Plaza, George's Quay, Dublin 2, Ireland
State or country in which incorporated — British West Indies

SSgA Hedge Fund Strategies, LP
% SSgA Hedge Fund Strategies LLC, One Lincoln St., Boston, MA 02111
Partnership — David Hanna

Symrise Holding GmbH
Mühlenfeldstrasse 1, D-37603, Holzminden, Germany
State or country in which incorporated — Germany

Tamaren Investments LLC
34D Constitution Way, Marblehead, MA 01945

Thornburg Investment Trust
119 E. Marcy, Suite 202, Santa Fe, NM 87501
State or country in which incorporated — Massachusetts business trust

ZAIS CDO Opportunity Fund, Ltd.
% SEI Investments Global Funds Services, Attn: Alternative Investments Dept., Styne House, Upper Hatch St., Dublin 2, Ireland
State or country in which incorporated — Cayman Islands

Zevulon Capital Partners, LP
780 Third Ave., 45th Fl., New York, NY 10017
Partnership — Zevulon Capital, LLC, general partner

FURTHER STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, §359-e(8), as amended]

SECURITIES BY
DEALERS; BROKERS;
SYNDICATE MANAGERS

Acclaim Energy Trust
1900 255 Fifth Ave. SW, Calgary, Alberta, Canada T2P-3G6
State or country in which incorporated — Canada
Security(ies) — Common stock
Issuer of security(ies) — Acclaim Energy Trust
Address of issuer — Same as above
State or country in which organized — Canada

Aeolus Capital Management, L.P.
1270 Avenue of the Americas, New York, NY 10020
Security(ies) — Limited partnership interests
Issuer of security(ies) — Aeolus Capital Management, L.P.
Address of issuer — Same as above
State or country in which organized — New York

Ampak Oil Company
801 E. Plano Pkwy., Suite 230, Plano, TX 75074
State or country in which incorporated — Texas
Security(ies) — Bonnie View Prospect
Issuer of security(ies) — Ampak Oil Company
Address of issuer — Same as above
State or country in which organized — Texas

Aptas, Inc.
1899 Wynkoop St., Suite 600, Denver, CO 80202
State or country in which incorporated — Delaware

Security(ies) — Series A convertible preferred stock
Issuer of security(ies) — Aptas, Inc.
Address of issuer — Same as above
State or country in which organized — Delaware

Armiger Partners, LP
 100 Montgomery St., 14G, Jersey City, NJ 07302
Security(ies) — Limited partnership interests
Issuer of security(ies) — Armiger Partners, LP
Address of issuer — Same as above
State or country in which organized — Delaware

Bizcom U.S.A., Inc.
 5440 NW. 33rd Ave., Suite 106, Fort Lauderdale, FL 33309-6338
State or country in which incorporated — Florida
Security(ies) — Common stock; promissory note in the amount of \$2,900,000; warrant to purchase 1,000 shares of restricted common stock
Issuer of security(ies) — Bizcom U.S.A., Inc.
Address of issuer — Same as above
State or country in which organized — Florida

Blue River Global Fund, L.P.
 One Sansome St., Suite 2900, San Francisco, CA 94104
Security(ies) — Limited partnership interest
Issuer of security(ies) — Blue River Global Fund, L.P.
Address of issuer — Same as above
State or country in which organized — Delaware

Chamberlin Edmonds & Associates, Inc.
 Two Securities Centre, 3500 Piedmont Rd. NE, Suite 400, Atlanta, GA 30305
State or country in which incorporated — Delaware
Security(ies) — Units consisting of a stock option exercisable for common stock
Issuer of security(ies) — Chamberlin Edmonds & Associates, Inc.
Address of issuer — Same as above
State or country in which organized — Delaware

Claymore Securities, Inc.
 210 N. Hale St., Wheaton, IL 60187
State or country in which incorporated — Delaware
Security(ies) — 10,000,000 units of undivided interest
Issuer of security(ies) — Peroni Top Ten Picks Portfolio, 2004 Series
Address of issuer — % Claymore Securities, Inc., 210 N. Hale St., Wheaton, IL 60187
State or country in which organized — Kansas

Connected Energy Corp.
 Four Commercial St., Rochester, NY 14614
State or country in which incorporated — Delaware
Security(ies) — One unit consisting of secured convertible debentures and stock purchase warrants
Issuer of security(ies) — Connected Energy Corp.
Address of issuer — Same as above
State or country in which organized — Delaware

CORESense, Inc.
 125 High Rock Ave., Saratoga Springs, NY 12866
State or country in which incorporated — New York
Security(ies) — Series A convertible preferred stock
Issuer of security(ies) — CORESense, Inc.
Address of issuer — Same as above
State or country in which organized — New York

Cropsolution, Inc.
 P.O. Box 14069, Research Triangle Park, NC 27709
State or country in which incorporated — Delaware
Security(ies) — Series B convertible preferred stock
Issuer of security(ies) — Cropsolution, Inc.
Address of issuer — Same as above
State or country in which organized — Delaware

Cross Shore QP Partners, LP
 111 Great Neck Rd., Suite 210, Great Neck, NY 11021
Security(ies) — Limited partnership interests
Issuer of security(ies) — Cross Shore QP Partners, LP
Address of issuer — Same as above
State or country in which organized — Delaware

CrossMedia Services, Inc.
 225 N. Michigan Ave., Suite 1500, Chicago, IL 60601
State or country in which incorporated — Delaware
Security(ies) — Series E-2 preferred stock, \$0.001 par value
Issuer of security(ies) — CrossMedia Services, Inc.
Address of issuer — Same as above
State or country in which organized — Delaware

Crown Growth Partners, L.P.
 60 E. 42nd St., Suite 3405, New York, NY 10165
State or country in which incorporated — Delaware limited partnership
Security(ies) — Limited partner interests
Issuer of security(ies) — Crown Growth Partners, L.P.
Address of issuer — Same as above
State or country in which organized — Delaware

DataPower Technology, Inc.
 One Alewife Center, Fourth Fl., Cambridge, MA 02140
State or country in which incorporated — Delaware
Security(ies) — Series B convertible preferred stock
Issuer of security(ies) — DataPower Technology, Inc.
Address of issuer — Same as above
State or country in which organized — Delaware

Discovery Global Opportunity Partners, L.P.
 20 Marshall St., South Norwalk, CT 06854
Security(ies) — Limited partnership interests
Issuer of security(ies) — Discovery Global Opportunity Partners, L.P.
Address of issuer — Same as above
State or country in which organized — Delaware

Douglas Scott Securities, Inc.
 275 W. Campbell Rd., Suite 205, Richardson, TX 75080
State or country in which incorporated — Texas
Security(ies) — General partnership interests
Issuer of security(ies) — Sally Withers II Partnership
Address of issuer — 101 W. Renner Rd., Suite 470, Richardson, TX 75082
State or country in which organized — Texas

DynTek, Inc.
 18881 Von Karman Ave., Suite 250, Irvine, CA 92612
State or country in which incorporated — Delaware
Security(ies) — Class A common stock, par value \$.0001 per share
Issuer of security(ies) — Dyntek, Inc.
Address of issuer — Same as above
State or country in which organized — Delaware

etrial Worldwide, Inc.
2701 Aerial Center Pkwy., Suite 100, Morrisville, NC 27560
State or country in which incorporated — Delaware
Security(ies) — Series A preferred stock
Issuer of security(ies) — etrial Worldwide, Inc.
Address of issuer — Same as above
State or country in which organized — Delaware

Fall River Fund
11740 N. Port Washington Rd., Mequon, WI 53092
Security(ies) — Limited partnership interests
Issuer of security(ies) — Fall River Fund
Address of issuer — Same as above
State or country in which organized — Wisconsin

FBR Investment Services, Inc.
Potomac Tower, 1001 Nineteenth St. N, Arlington, VA 22209
State or country in which incorporated — Delaware
Security(ies) — Units of beneficial interest
Issuer of security(ies) — FBR Family of Funds; FBR Small Cap Technology Fund
Address of issuer — Same as above
State or country in which organized — Delaware

First Trust Portfolios L.P.
1001 Warrenville Rd., Lisle, IL 60532
Security(ies) — 10,000 units of undivided interest
Issuer of security(ies) — FT 783 (Advisor's Disciplined Income Trust, Senior Variable Rate Closed-End Portfolio, Series 2003-16)
Address of issuer — Same as above
State or country in which organized — Illinois

First Trust Portfolios L.P.
1001 Warrenville Rd., Lisle, IL 60532
Security(ies) — 10,000 units of undivided interest
Issuer of security(ies) — FT 784 (Advisor's Disciplined Income Trust, High-Yield Closed-End Fund Portfolio, Series 2003-15)
Address of issuer — Same as above
State or country in which organized — Illinois

First Trust Portfolios L.P.
1001 Warrenville Rd., Lisle, IL 60532
Security(ies) — 10,000 units of undivided interest
Issuer of security(ies) — FT 797 (High-Yield Income Closed-End Portfolio, Series 7)
Address of issuer — Same as above
State or country in which organized — Illinois

Game Trust, Inc.
632 Broadway, Fifth Fl., New York, NY 10012
State or country in which incorporated — Delaware
Security(ies) — Unit consisting of series A convertible preferred stock and warrant to acquire preferred stock
Issuer of security(ies) — Game Trust, Inc.
Address of issuer — Same as above
State or country in which organized — Delaware

Genio Group, Inc.
1120 Avenue of the Americas, Suite 4020, New York, NY 10036
State or country in which incorporated — Delaware
Security(ies) — Common stock and warrants
Issuer of security(ies) — Genio Group, Inc.
Address of issuer — Same as above
State or country in which organized — Delaware

Hartville Group, Inc.
1597 N. Main St., North Canton, OH 44720
Security(ies) — One unit consisting of common stock and warrants
Issuer of security(ies) — Hartville Group, Inc.
Address of issuer — Same as above
State or country in which organized — Nevada

HIRTLE CALLAGHAN ABSOLUTE RETURN OFFSHORE FUND, LTD.
Hirtle, Callaghan & Co., Five Tower Bridge, 300 Barr Harbor Dr., Suite 500, West Conshohocken, PA 19428
Security(ies) — Common stock
Issuer of security(ies) — HIRTLE CALLAGHAN ABSOLUTE RETURN OFFSHORE FUND, LTD.
Address of issuer — Same as above
State or country in which organized — Cayman Islands

HIRTLE CALLAGHAN TOTAL RETURN OFFSHORE FUND, LTD.
Hirtle, Callaghan & Co., Five Tower Bridge, 300 Barr Harbor Dr., Suite 500, West Conshohocken, PA 19428
Security(ies) — Common stock
Issuer of security(ies) — HIRTLE CALLAGHAN TOTAL RETURN OFFSHORE FUND, LTD.
Address of issuer — Same as above
State or country in which organized — Cayman Islands

HLA Investments, LLC
One Belmont Ave., Suite 900, Bala Cynwyd, PA 19004
State or country in which incorporated — Delaware
Security(ies) — Limited liability company interests
Issuer of security(ies) — HLA Investments, LLC
Address of issuer — Same as above
State or country in which organized — Delaware

ING US Office Corporation
230 Park Ave., New York, NY 10169
Security(ies) — Common shares
Issuer of security(ies) — ING US Office Corporation
Address of issuer — Same as above
State or country in which organized — Maryland

Intellectual Capital Productions, Inc.
7512 Dr. Phillips Blvd., Suite 50, PMB 205, Orlando, FL 32819
State or country in which incorporated — Florida
Security(ies) — Common stock
Issuer of security(ies) — Intellectual Capital Productions, Inc.
Address of issuer — Same as above
State or country in which organized — Florida

JDH Equity Partners, LP
1776 S. Jackson St., Suite 901, Denver, CO 80210
Security(ies) — Limited partnership interests
Issuer of security(ies) — JDH Equity Partners, LP
Address of issuer — Same as above
State or country in which organized — Delaware

Kenny Securities Corporation
7711 Carondelet Ave., Suite 900, St. Louis, MO 63105
State or country in which incorporated — Delaware
Security(ies) — Private offering of partnership units
Issuer of security(ies) — Miller Southern Appalachia Partners, L.P.
Address of issuer — 3651 Baker Hwy., Huntsville, TN 37756
State or country in which organized — Tennessee

Light Street Real Estate LLC
 Southport Place, 30 Jelliff Lane, Suite 201, Southport, CT 06890
State or country in which incorporated — Delaware limited liability company
Security(ies) — Limited liability company interests
Issuer of security(ies) — Light Street Real Estate LLC
Address of issuer — Same as above
State or country in which organized — Delaware

Matrix Capital Group, Inc.
 666 Fifth Ave., New York, NY 10103
State or country in which incorporated — New York
Security(ies) — Joint venture
Issuer of security(ies) — America/International 2003 Venture
Address of issuer — 40 Cutter Mill Rd., Suite 201, Great Neck, NY 11021
State or country in which organized — New York

Matrix Capital Group, Inc.
 666 Fifth Ave., New York, NY 10103
State or country in which incorporated — New York
Security(ies) — Joint venture
Issuer of security(ies) — America/International 3 Year Venture-2003
Address of issuer — 40 Cutter Mill Rd., Suite 201, Great Neck, NY 11021
State or country in which organized — New York

Merrill Lynch, Pierce, Fenner & Smith Incorporated
 Four World Financial Center, 10th Fl., New York, NY 10080
State or country in which incorporated — Delaware
Security(ies) — Asset-backed pass-through certificates, series 2003-13, class M-5
Issuer of security(ies) — Ameriquest Mortgage Securities Inc.
Address of issuer — 1100 Town & Country Rd., Suite 1100, Orange, CA 92868-4653
State or country in which organized — Delaware

Merrill Lynch, Pierce, Fenner & Smith Incorporated
 Four World Financial Center, 10th Fl., New York, NY 10080
State or country in which incorporated — Delaware
Security(ies) — Asset-backed pass-through certificates, series 2003-13, class M-6
Issuer of security(ies) — Ameriquest Mortgage Securities Inc.
Address of issuer — 1100 Town & Country Rd., Suite 1100, Orange, CA 92868-4653
State or country in which organized — Delaware

Merrill Lynch, Pierce, Fenner & Smith Incorporated
 Four World Financial Center, 10th Fl., New York, NY 10080
State or country in which incorporated — Delaware
Security(ies) — Asset-backed pass-through certificates, series 2003-13, class M-4
Issuer of security(ies) — Ameriquest Mortgage Securities Inc.
Address of issuer — 1100 Town & Country Rd., Suite 1100, Orange, CA 92868-4653
State or country in which organized — Delaware

Midwood Capital Partners, L.P.
 % Midwood Capital Management LLC, 45 Fairfield St., Fifth Fl., Boston, MA 02116
Security(ies) — Limited partnership interests
Issuer of security(ies) — Midwood Capital Partners, L.P.
Address of issuer — Same as above
State or country in which organized — Delaware

Monarch Community Bancorp, Inc.
 375 N. Willowbrook Rd., Coldwater, MI 49036
State or country in which incorporated — Maryland
Security(ies) — Common stock
Issuer of security(ies) — Monarch Community Bancorp, Inc.
Address of issuer — Same as above
State or country in which organized — Maryland

Monitor Coinvestors II, LP
 Two Canal Park, Cambridge, MA 02141
Security(ies) — Limited partnership interests
Issuer of security(ies) — Monitor Coinvestors II, LP
Address of issuer — Same as above
State or country in which organized — Delaware

Monitor MBG ESC, LP Two Canal Park, Cambridge, MA 02141
Security(ies) — Limited partnership interests
Issuer of security(ies) — Monitor MBG ESC, LP
Address of issuer — Same as above
State or country in which organized — Delaware

Municipal Capital Appreciation Partners III-Parallel Fund, L.P.
 P.O. Box 1416, Quogue, NY 11959
Security(ies) — Limited partnership interests
Issuer of security(ies) — Municipal Capital Appreciation Partners III-Parallel Fund, L.P.
Address of issuer — Same as above
State or country in which organized — Delaware

Omnimed International, Inc.
 Two Ridgedale Ave., Suite 217, Cedar Knolls, NJ 07927
State or country in which incorporated — Nevada
Security(ies) — 1,500,000 shares of common stock
Issuer of security(ies) — Omnimed International, Inc.
Address of issuer — Same as above
State or country in which organized — Nevada

Praesidium Partners QP Fund, LP
 747 Third Ave., 33rd Fl., New York, NY 10017
Security(ies) — Limited partnership interests
Issuer of security(ies) — Praesidium Partners QP Fund, LP
Address of issuer — Same as above
State or country in which organized — Delaware

Residential Income and Value-Added Fund LLC
 Two Manhattanville Rd., Centre Two, Suite 207, Purchase, NY 10577
State or country in which incorporated — Delaware
Security(ies) — Membership interests
Issuer of security(ies) — Residential Income and Value-Added Fund LLC
Address of issuer — Same as above
State or country in which organized — Delaware

Resrv Partners, Inc.
 1250 Broadway, New York, NY 10001-3701
Security(ies) — Shares of beneficial interest
Issuer of security(ies) — Reserve Private Equity Series; Reserve Capital Appreciation Fund
Address of issuer — Same as above
State or country in which organized — Delaware

Rexiter Asia ex Japan Long/Short Fund, Ltd.
 % SYS Hedge Fund Services (Ireland) Limited, One George's Quay Plaza, George's Quay, Dublin 2, Ireland

State or country in which incorporated — British West Indies
 Security(ies) — Common shares
 Issuer of security(ies) — Rexiter Asia ex Japan Long/Short Fund, Ltd.
 Address of issuer — Same as above
 State or country in which organized — British West Indies

Rockwood, Inc.
 305 Madison Ave., New York, NY 10165
 State or country in which incorporated — Connecticut
 Security(ies) — Common stock purchase warrants
 Issuer of security(ies) — Pacific CMA, Inc.
 Address of issuer — 300 Albany St., Suite 4B, New York, NY 10280
 State or country in which organized — Colorado

Rockwood, Inc.
 305 Madison Ave., New York, NY 10165
 State or country in which incorporated — Connecticut
 Security(ies) — Common stock
 Issuer of security(ies) — Pacific CMA, Inc.
 Address of issuer — 300 Albany St., Suite 4B, New York, NY 10280
 State or country in which organized — Colorado

Sems Diversified Value LP
 237 Park Ave., Suite 801, New York, NY 10017
 Security(ies) — Limited partnership interests
 Issuer of security(ies) — Sems Diversified Value LP
 Address of issuer — Same as above
 State or country in which organized — Delaware

Sems Strategic Value LP
 237 Park Ave., Suite 801, New York, NY 10017
 Security(ies) — Limited partnership interests
 Issuer of security(ies) — Sems Strategic Value LP
 Address of issuer — Same as above
 State or country in which organized — Delaware

SSgA Hedge Fund Strategies, LP
 % SSgA Hedge Fund Strategies LLC, One Lincoln St., Boston MA 02111
 Security(ies) — Limited partnership interests
 Issuer of security(ies) — SSgA Hedge Fund Strategies, LP
 Address of issuer — Same as above
 State or country in which organized — Delaware

SSgA Japan Equity Market Neutral Fund, Ltd.
 % Bisys Hedge Fund Services Limited (Ireland) Limited, One George's Quay Plaza, George's Quay, Dublin 2, Ireland
 State or country in which incorporated — British West Indies
 Security(ies) — Common shares
 Issuer of security(ies) — SSgA Japan Equity Market Neutral Fund, Ltd.
 Address of issuer — Same as above
 State or country in which organized — British West Indies

Symrise Holding GmbH
 Mühlenfeldstrasse 1, D-37603 Holzminden, Germany
 State or country in which incorporated — Germany
 Security(ies) — Ordinary shares, which will be acquired indirectly through a German limited partnership pursuant to the terms of the Management Participation Program
 Issuer of security(ies) — Symrise Holding GmbH
 Address of issuer — Same as above
 State or country in which organized — Germany

Thornburg Investment Trust
 119 E. Marcy, Suite 202, Santa Fe, NM 87501
 State or country in which incorporated — Massachusetts business trust
 Security(ies) — Thornburg New York Intermediate Municipal Fund Class A
 Issuer of security(ies) — Thornburg Investment Trust
 Address of issuer — Same as above
 State or country in which organized — Massachusetts business trust

Van Kampen Funds Inc.
 One Parkview Plaza, Oakbrook Terrace, IL 60181-5555
 State or country in which incorporated — Delaware
 Security(ies) — 75,000 units of undivided interest
 Issuer of security(ies) — Van Kampen Focus Portfolios, Municipal Series 473 (Pennsylvania Insured Municipals Income Trust, Series 285)
 Address of issuer — Same as above
 State or country in which organized — New York

Van Kampen Funds Inc.
 One Parkview Plaza, Oakbrook Terrace, IL 60181-5555
 State or country in which incorporated — Delaware
 Security(ies) — 75,000 units of undivided interest
 Issuer of security(ies) — Morgan Stanley Technology IndexSM Portfolio 2004-1
 Address of issuer — Same as above
 State or country in which organized — New York

Vitran Corporation Inc.; (2) Avondale Partners, LLC
 185 The West Mall, Suite 701, Toronto, Ontario MGC 525; (2) Two American Center, Suite 1100, Nashville, TN 37203
 State or country in which incorporated — (1) Canada; (2) Tennessee limited liability company
 Security(ies) — Class A voting shares
 Issuer of security(ies) — Vitran Corporation Inc.
 Address of issuer — 185 The West Mall, Suite 701, Toronto, Ontario MGC 525
 State or country in which organized — Canada

ZAIS CDO Opportunity Fund, Ltd.
 % SEI Investments Global Funds Services, Attn: Alternative Investments Dept., Styne House, Upper Hatch St., Dublin 2, Ireland
 State or country in which incorporated — Cayman Islands
 Security(ies) — Class B common shares
 Issuer of security(ies) — ZAIS CDO Opportunity Fund, Ltd.
 Address of issuer — Same as above
 State or country in which organized — Cayman Islands

ZAIS CDO Opportunity Fund, Ltd.
 % SEI Investments Global Funds Services, Attn: Alternative Investments Dept., Styne House, Upper Hatch St., Dublin 2, Ireland
 State or country in which incorporated — Cayman Islands
 Security(ies) — Class A common shares
 Issuer of security(ies) — ZAIS CDO Opportunity Fund, Ltd.
 Address of issuer — Same as above
 State or country in which organized — Cayman Islands

Zevulon Capital Partners, LP
 780 Third Ave., 45th Fl., New York, NY 10017
 Security(ies) — Limited partnership interests
 Issuer of security(ies) — Zevulon Capital Partners, LP
 Address of issuer — Same as above
 State or country in which organized — Delaware

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPAIR BOILER

Albion Correctional Facility, Albion, Orleans County

SEALED bids for Project No(s). M2300-H, HVAC Work, Repair Boiler No. 3, Albion Correctional Facility, 3595 State School Rd., Albion, NY, will be received by the Office of General Services, Design and Construction Group, Division of Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Correctional Services, until 2:00 p.m. on Wednesday, Jan. 21, 2004, 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 \$15,200.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, 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 percent of the amount of the contract estimated to be between \$100,000 and \$250,000. The requirement for labor and material and performance bonds may be waived on a bid under \$200,000 on a single trade project.

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 completion of the work must be within 150 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 1:00 p.m. on Jan 15, 2004, meet at the OGS Field Trailer, Albion Correctional Facility. 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 Allyson Youdsavage, (716) 674-0409, a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage minority business enterprise participation in this project by

contractors, subcontractors and suppliers, and all bidders are expected to cooperate in implementing this policy.

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

The bidding and contract documents may be obtained for \$10 deposit per set, plus \$6 per set shipping and handling fee, by calling the following toll free number (877) OGS-PLAN (647-7526) or by mail from the Plan Sales Unit, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242 (deposits less than \$50 are nonrefundable). Make check payable to the Office of General Services and write Fed. ID # and phone # on check.

By William F. O'Connor, AIA
Deputy Commissioner

REPLACE WINDOWS

Sing Sing Correctional Facility, Ossining
Westchester County

SEALED bids for Project No(s). M2302, Construction Work, Replace Windows, Bldg. No. 8, Sing Sing Correctional Facility, 354 Hunter St., Ossining, NY, will be received by the Office of General Services, Design and Construction Group, Division of Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Correctional Services, until 2:00 p.m. on Wednesday, Jan. 28, 2004, 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 \$21,000.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, 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 percent of the amount of the contract estimated to be between \$250,000 and \$500,000. The requirement for labor and material and performance bonds may be waived on a bid under \$200,000 on a single trade project.

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 completion of the work must be within 120 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 Jan. 22, 2004, meet at the OGS Field Trailer, Sing Sing Correctional Facility. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions, and security provisions will apply and all vehicles will be subject to search.

Phone the office of Shannon Landolf, (845) 831-3111, a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage minority business enterprise participation in this project by contractors, subcontractors and suppliers, and all bidders are expected to cooperate in implementing this policy.

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

The bidding and contract documents may be obtained for \$10 deposit per set, plus \$2 per set shipping and handling fee, by calling the following toll free number (877) OGS-PLAN (647-7526) or by mail from the Plan Sales Unit, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242 (deposits less than \$50 are nonrefundable). Make check payable to the Office of General Services and write Fed. ID # and phone # on check.

By William F. O'Connor, AIA
Deputy Commissioner

REPLACE

**UNDERGROUND STEAM AND CONDENSATE LINES
Oneida Correctional Facility, Rome, Oneida County**

SEALED bids for Project No(s). M2310, HVAC Work, Replace Underground Steam and Condensate Lines, Bldg. No. 24, Oneida Correctional Facility, 6100 School Rd., Rome, NY 13440, will be received by the Office of General Services, Design and Construction Group, Division of Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Correctional Services, until 2:00 p.m. on Wednesday, Jan. 21, 2004, 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 \$12,100.

The value of the contract is estimated to be between \$100,000 and \$250,000.

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 completion of the work must be within 120 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 11:00 a.m. on Jan. 13, 2004 at the OGS Field Office at Oneida Correctional Facility, 6100 School Rd., Rome, 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 Joe Bragg, (315) 339-6820, a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage minority business enterprise participation in this project by contractors, subcontractors and suppliers, and all bidders are expected to cooperate in implementing this policy.

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

The bidding and contract documents may be obtained for \$10 deposit per set, plus \$2 per set shipping and handling fee, by calling the following toll free number (877) OGS-PLAN (647-7526) or by mail from the Plan Sales Unit, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242 (deposits less than \$50 are nonrefundable). Make check payable to the Office of General Services and write Fed. ID # and phone # on check.

By William F. O'Connor, AIA
Deputy Commissioner

REPLACE

**SEWAGE DISPOSAL SYSTEM
Bronx Psychiatric Center, Bronx, Bronx County**

SEALED bids for Project No(s). M2316-P and M2316-E, comprising separate contracts for Plumbing and Electrical Work, Replace Sewage Disposal System, Bldg. No. 4, Bronx Psychiatric Center, 150 Waters Place, Bronx, NY, will be received by the Office of General Services, Design and Construction Group, Division of Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, Jan. 21, 2004, 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 \$5,300 for P and \$900 for E.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, 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 percent of the amount of the contract estimated to be between \$50,000 and \$100,000 for P and under \$25,000 for E. The requirement for labor and material and performance bonds may be waived on a bid under \$200,000 on a single trade project.

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

completion of the work must be within 60 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 10:30 a.m. on Jan. 15, 2004 at the Administration Bldg., Bronx Psychiatric Center, 1500 Waters Place, Bronx, 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 (914) 948-0343, ext. 300.

It is the policy of the State and the Office of General Services to encourage minority business enterprise participation in this project by contractors, subcontractors and suppliers, and all bidders are expected to cooperate in implementing this policy.

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

The bidding and contract documents may be obtained for \$10 deposit per set, plus \$2 per set shipping and handling fee, by calling the following toll free number (877) OGS-PLAN (647-7526) or by mail from the Plan Sales Unit, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242 (deposits less than \$50 are nonrefundable). Make check payable to the Office of General Services and write Fed. ID # and phone # on check.

By William F. O'Connor, AIA
Deputy Commissioner

REPLACE

**ADMINISTRATION BUILDING LOBBY WINDOWS
Cape Vincent Correctional Facility, Cape Vincent
Jefferson County**

SEALED bids for Project No(s). M2321-C, Construction Work, Replace Administration Bldg. Lobby Windows, Cape Vincent Correctional Facility, Rte. 12E, Cape Vincent, NY, will be received by the Office of General Services, Design and Construction Group, Division of Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Correctional Services, until 2:00 p.m. on Wednesday, Jan. 21, 2004, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the instructions to bidders.

The value of the contract is estimated to be under \$50,000.

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 completion of the work must be within 60 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.

It is the policy of the State and the Office of General Services to encourage minority business enterprise participation in this project by contractors, subcontractors and suppliers, and all bidders are expected to cooperate in implementing this policy.

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 Jan. 14, 2004, meet at the Administration Bldg., Cape Vincent Correctional Facility. 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 Jim Sharlow, (315) 785-6447 for an appointment a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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

The bidding and contract documents may be obtained for \$10 deposit per set, plus \$2 per set shipping and handling fee, by calling the following toll free number (877) OGS-PLAN (647-7526) or by mail from the Plan Sales Unit, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242 (deposits less than \$50 are nonrefundable). Make check payable to the Office of General Services and write Fed. ID # and phone # on check.

By William F. O'Connor, AIA
Deputy Commissioner

PROVIDE

**HANDICAPPED RAMP, SIDEWALK AND STEPS
Binghamton Psychiatric Center, Binghamton
Broome County**

SEALED bids for Project No(s). Q0879-C and Q0879-E, comprising separate contracts for Construction and Electrical Work, Provide Handicapped Ramp, Sidewalk and Steps, Bldg. Nos. 75 and 49, Binghamton Psychiatric Center, 425 Robinson St., Binghamton, NY 13901, will be received by the Office of General Services, Design and Construction Group, Division of Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, Jan. 14, 2004, 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 \$6,500 for C and \$1,500 for E.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, 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 percent of the amount of the contract estimated to be between \$50,000 and 100,000 for C and under \$25,000 for E. The requirement for labor and material and performance bonds may be waived on a bid under \$200,000 on a single trade project.

The completion date for this project is 180 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 10:30 a.m. on Jan. 7, 2004 at the Work Control Center, Plant Superintendent's Office, Binghamton Psychiatric Center, 425 Robinson St., 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 Paul Flint at (607) 773-4554.

It is the policy of the State and the Office of General Services to encourage minority business enterprise participation in this project by contractors, subcontractors and suppliers, and all bidders are expected to cooperate in implementing this policy.

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

The bidding and contract documents may be obtained for \$49 deposit per set, plus \$6 per set shipping and handling fee, by calling the following toll free number (877) OGS-PLAN (647-7526) or by mail from the Plan Sales Unit, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242 (deposits less than \$50 are nonrefundable). Make check payable to the Office of General Services and write Fed. ID # and phone # on check.

By William F. O'Connor, AIA
Deputy Commissioner

REPAIR
WASTEWATER PUMP STATION
Watertown Correctional Facility, Watertown
Jefferson County

SEALED bids for Project No(s). Q0949-C, Construction Work, Repair Wastewater Pump Station, Pump Station No. 2, Watertown Correctional Facility, 23147 Swan Rd., Watertown, NY, will be received by the Office of General Services, Design and Construction Group, Division of Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Correctional Services, until 2:00 p.m. on Wednesday, Jan. 28, 2004, 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 \$5,100.

The value of the contract is estimated to be between \$50,000 and \$100,000.

The completion date for this project is 120 days after the agreement is approved by the Comptroller.

It is the policy of the State and the Office of General Services to encourage minority business enterprise participation in this project by contractors, subcontractors and suppliers, and all bidders are expected to cooperate in implementing this policy.

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

Phone the office of Christ Mellas, Superintendent, (315) 782-7490 for an appointment a minimum of 48 hours in advance of site visit.

The bidding and contract documents may be obtained for \$49 deposit per set, plus \$6 per set shipping and handling fee, by calling the following toll free number (877) OGS-PLAN (647-7526) or by mail from the Plan Sales Unit, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242 (deposits less than \$50 are nonrefundable). Make check payable to the Office of General Services and write Fed. ID # and phone # on check.

By William F. O'Connor, AIA
Deputy Commissioner

MODIFY
SPRINKLER SYSTEM

Gowanda Correctional Facility, Gowanda, Erie County

SEALED bids for Project No(s). Q0992-P, Plumbing Work, Modify Sprinkler System, Bldg. No. 61, Gowanda Correctional Facility, South Rd., Gowanda, NY, will be received by the Office of General Services, Design and Construction Group, Division of Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Correctional Services, until 2:00 p.m. on Wednesday, Jan. 21, 2004, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the instructions to bidders.

The value of the contract is estimated to be under \$50,000.

The completion date for this project is 120 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 1:00 p.m. on Jan. 15, 2004 at the Gowanda Field Office, 14312 Taylor Hallow Rd., Gowanda, 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 Allyson Youndsavage, (716) 674-0409 a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage minority business enterprise participation in this project by contractors, subcontractors and suppliers, and all bidders are expected to cooperate in implementing this policy.

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

The bidding and contract documents may be obtained for \$10 deposit per set, plus \$2 per set shipping and handling fee, by calling the following toll free number (877) OGS-PLAN (647-7526) or by mail from the Plan Sales Unit, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242 (deposits less than \$50 are nonrefundable). Make check payable to the Office of General Services and write Fed. ID # and phone # on check.

By William F. O'Connor, AIA
Deputy Commissioner

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 7:00 a.m. to 5:00 p.m., at:

1-800-221-9311 (In New York State)
(518) 270-2200 (Outside New York State)

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
Department of State
F-2003-0495

Date of Issuance -January 15, 2004

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 41 State Street in Albany, New York.

In F-2003-0495, The Bald Eagle Power Corporation of 20 West 46th Street #5, New York , NY 10036, is seeking authorization to install offshore wind farms in the North Atlantic Ocean on the Outer Continental Shelf for the purpose of providing the primary electric power to produce hydrogen at the SEAHORSE™ sites. BEPC plans include 2 small demonstration offshore wind farms in the North Atlantic off Long Island for the purposes of research and development on hydrogen production from wind. The demonstration sites would be

located off Jones Beach and Long Beach, in Federal waters, three to eight miles offshore. Each demonstration wind farm would have two to ten 2MW turbines. Plans call for the conversion of wind energy into clean hydrogen via the use of electrolysis at the sites. The hydrogen, stored within special containers, will be transported to land via ships. In total, the proposal would involve the installation of nine SEAHORSE™ 78 megawatt windfarm/research/renewable energy sites beyond the three mile limit from Block Island Sound to the New Jersey Shore. In addition to the 2 demonstration sites, Phase I of the project would also involve erecting one meteorological communication tower on each of the nine SEAHORSE™ Wind Farm Sites. These will function as meteorological weather and sea data collectors. Phase II would use the data collected to build a meaningful hydrogen wind farm that, over time, would be expanded to accommodate the expanding hydrogen economy. The project is located in Federal waters, from three to eight miles offshore, in the North Atlantic Ocean.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., **30 days from the date of publication of this notice, or February 13, 2004.**

Comments should be addressed to the Division of Coastal Resources and Waterfront Revitalization, New York State Department of State, 41 State Street, Albany, New York 12231. Telephone (518) 474-6000; Fax (518) 473-2464.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE Uniform Code Regional Boards of Review

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Roy Scott, Codes Division, Department of State, 41 State Street, Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2003-0753 Matter of Richard Nardini, R.A., BHNT Architects, P.C., 2495 Main Street, Suite 434, Buffalo, New York 14214 representing FLC, LLC for a variance concerning fire-safety requirements, including fire area.

Involved is the completion of a warehouse. The building is located at 790 Aero Drive, Town of Cheektowaga, County of Erie, State of New York.

2003-0766 Matter of First and Main Corporation, % Tony and Vincent Esposito, 185 Genesee Street, 4th Floor, Utica, NY 13501 for a variance concerning the fire resistance ratings of floor assemblies.

Involved is the conversion and reconstruction of a five story heavy timber construction buildings of mixed occupancy, located at 101 Main Street, City of Utica, County of Oneida, State of New York.

2003-0776 Matter of General Electric Global Research Center, % Harold R. Cutler, 165 Landham Road, Sudbury, MA, 01776 for a variance concerning fire separation distance, sprinkler systems and laboratory duct work fire protection, located at 1 Research Place, Town of Niskayuna, City of Schenectady, State of New York.

**SALE OF
FOREST PRODUCTS
NOTICE OF SALE**

Madison Reforestation Area Nos. 11 and 12
Contract No. X004995

Pursuant to section 9-0505 of the Environmental Conservation Law, the Department of Environmental Conservation hereby gives public notice of the following:

Sealed bids for 32.1 MBF more or less of black cherry, 29.5 MBF more or less of white ash, 18.7 MBF more or less of hard maple, 3.2 MBF more or less of red maple, 0.3 MBF more or less of norway spruce, 0.3 MBF more or less of hemlock, 0.2 MBF more or less of basswood and 197 cords more or less of firewood located on Madison Reforestation Area Nos. 11 and 12, Stand(s) A-3, 4, 5, 19, 25, 32, B-96, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, Albany, NY 12233-5027 until 11:00 a.m., Thursday, Jan. 29, 2004.

For further information (including billing) contact: Robert Slavicek, Department of Environmental Conservation, Lands and Forests, Region 7, 2715 State Hwy. 80, Sherburne, NY 13460-4507, (607) 674-4036

**SALE OF
FOREST PRODUCTS
NOTICE OF SALE**
Schoharie Reforestation Area No. 16
Contract No. X004991

Pursuant to section 9-0505 of the Environmental Conservation Law, the Department of Environmental Conservation hereby gives public notice of the following:

Sealed bids for 198.7 MBF more or less of red pine sawtimber, 143.0 MBF more or less of spruce sawtimber, 70.8 MBF more or less of Japanese larch sawtimber, and 46 cords more or less of miscellaneous hardwoods located on Schoharie Reforestation Area No. 16, Stand(s) A-46, 49, 51, 57, B-2, 3, 5, 8, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, Albany, NY 12233-5027 until 11:00 a.m., Thursday, Jan. 29, 2004.

For further information (including billing) contact: Vicki Shorey, Department of Environmental Conservation, Lands and Forests, Region 4, 65561 State Hwy. 10, Suite 1, Stamford, NY 12167-9503, (607) 652-7365

**SALE OF
FOREST PRODUCTS
NOTICE OF SALE**
Steuben Reforestation Area No. 6
Contract No. X004970

Pursuant to section 9-0505 of the Environmental Conservation Law, the Department of Environmental Conservation hereby gives public notice of the following:

Sealed bids for 70 MBF more or less of hardwood sawtimber, and 103 cords more or less of hardwood pulp located on Steuben Reforestation Area No. 6, Stand(s) G-5, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, Albany, NY 12233-5027 until 11:00 a.m., Thursday, Jan. 29, 2004.

For further information (including billing) contact: Joel Fiske, Department of Environmental Conservation, Lands and Forests, Region 8, 7291 Coon Rd., Bath, NY 14810-9728, (607) 776-2165

EXECUTIVE ORDERS

Executive Order No. 113.73: Temporary Suspension of Provisions Relating to Out-of-State Law Enforcement Officers Serving as Railroad Police Officers.

WHEREAS, on September 11, 2001, I issued Executive Order Number 113 declaring a disaster emergency in the State of New York;

WHEREAS, the attacks of September 11, 2001 have demonstrated that there are terrorists at home and abroad that seek to do us harm;

WHEREAS, no State has done more than New York since September 11, 2001 to ensure the safety and security of the people within its borders and its critical infrastructure;

WHEREAS, we must be vigilant in our efforts to protect against terrorist attacks;

WHEREAS, the States of Connecticut and New Jersey have agreed to deploy police officers from their states to provide increased security on commuter trains going to and from New York State;

WHEREAS, to fully utilize the police resources provided by our sister states, we must confer police officer powers on such officers while they are within the geographic jurisdiction of New York State;

WHEREAS, Railroad Law § 88 authorizes the Superintendent of State Police to appoint any person as a railroad police officer only under prescribed circumstances and subject to certain limitations;

WHEREAS, such circumstances and limitations should not be applied to sworn police officers from our sister states serving as railroad police officers and would prevent, hinder and delay action necessary to cope with the aftermath of the September 11, 2001 attacks and the heightened risk of terrorist attacks; and

WHEREAS, Executive Law §29-a authorizes the suspension, alteration and modification of statutes, local laws, ordinances, orders, rules or regulations, or parts thereof, if compliance with such provisions would prevent, hinder or delay action necessary to cope with a disaster emergency;

NOW, THEREFORE, I, GEORGE E. PATAKI, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby continue Executive Order Number 113, dated September 11, 2001, except that such Executive Order is amended by adding the following provisions:

FURTHER, pursuant to the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend and modify specific provisions of any statute, local law, ordinance, order, rule or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such provisions would prevent, hinder or delay action necessary to cope with the disaster, I hereby temporarily suspend and modify, for the period from the date of this Executive Order until further notice, the following laws for purposes of appointment of members of the Connecticut State Police, sworn police officers of any county or municipality in the State of Connecticut, members of the New Jersey State Police, or sworn police officers of any county or municipality in the State of New Jersey as Railroad Police:

Subdivision 1 of Section 88 of the Railroad Law, is suspended insofar as it requires the Superintendent of the New York State Police to appoint railroad police officers only upon the application of a corporation, express company, or steamboat company, and is modified

to the extent necessary to include all rail facilities owned or operated by the Port Authority of New York and New Jersey or its subsidiaries, the Metropolitan Transit Authority or its subsidiaries and New Jersey Transit or its subsidiaries;

Subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15 and 16 of Section 88 of the Railroad Law; and

Subdivision 17 of Section 88 of the Railroad Law, insofar as it relates to the filing requirements by the Superintendent of the New York State Police and the mailing of notice of suspension or revocation of appointments made pursuant to Section 88 of the Railroad Law and is modified so as to require the Superintendent of the New York State Police to mail notice of suspension or revocation of any such appointments to the Superintendent of the State Police of either New Jersey or Connecticut, whichever is appropriate.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany, this twenty-first day of December in the year two thousand three.

BY THE GOVERNOR

/S/ George E. Pataki

/s/ John C. Cahill

Secretary to the Governor