
NEW YORK STATE
REGISTER

PLEASE NOTE!

Rule Making Submission Deadline to Change!
See details inside this issue.

INSIDE THIS ISSUE:

- Education Law Section 310 Appeals to the Commissioner of Education
- Medical Assistance Payment for Outpatient Programs
- Installation Servicing or Maintaining of Security or Fire Alarm Systems
- Cease and Desist Zone for the County of Kings

Notice of Availability of State and Federal Funds

State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 45 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which full text was included in the Notice or posted on a state web site, or which is a consensus rule or a rule defined in SAPA §102(2)(a)(ii); or for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and for 30 days after publication of a Notice of Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 45 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:

- the 60-day period expires on Sunday, October 5, 2008
- the 45-day period expires on Saturday, September 20, 2008
- the 30-day period expires on Friday, September 5, 2008

**DAVID A. PATERSON
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Rule Making: Filing Deadline Change

Effective with the August 13, 2008 issue of the State Register, the deadline for hard copy rule making submissions will change to **Tuesday, 12:00 P.M.**

The deadline for E-file rule makings will remain the same — Tuesday, 5:00 p.m.

The deadline date for the August 13, 2008 issue of the State Register is Tuesday, July 29, 2008. (The new deadline does not apply to non-rule making submissions) The Department of State is committed to encourage E-file rule making. It has proven to be the most efficient and best way for all involved. The e-filing application for rule making is nearing completion. In order to move forward to the final phase, it is necessary to permanently change the rule making submission deadline.

Shortly after the successful implementation of this final phase the department will notify agencies when it is no longer necessary to follow-up e-filed rule makings with hard copy rule makings (except adoptions - see below). Watch your e-mail and the department website for updates.

REMEMBER:

When filing any Adoption (including Emergencies), agencies will always need to submit hard copies of the following (on the same day as the E-filing submission):

- certification with the original signature attached to text of the rule with 2 copies of same;
- one copy of the associated rule making form.

NOTE: An adoption or emergency is not considered filed until the Division of Administrative Rules receives the hard copies noted above.

REVIEW REQUIREMENTS FOR NEW AND REVISED REGULATIONS

Executive Order No. 20 established a system of executive branch review of proposed state agency regulations by the Governor's Office of Regulatory Reform (GORR). The following is a brief description of the review requirements imposed by Executive Order 20 for new and revised rules.

Prior to submitting a proposed or revised rule for publication in the *State Register*, an agency must submit it to GORR along with any required regulatory impact statement; regulatory flexibility analysis for small businesses; rural area flexibility analysis; any cost-benefit, risk assessment and job retention analysis; or the results of any negotiated rule making or policy dialogue.

GORR reviews agency material for compliance with the following criteria:

1. The rule:

- a) is clearly within the authority delegated by law;
- b) is consistent with and necessary to achieve a specific legislative purpose;
- c) is clearly written so that its meaning will be easily understood by those persons affected by it;
- d) does not unnecessarily duplicate or exceed existing federal or state statutes or rules;
- e) is consistent with existing state statutes and rules;
- f) consistent with state statutory requirements, will produce public benefits which will outweigh the costs, if any, imposed on affected parties;
- g) does not impose a mandate on local governments or school districts which is not fully funded, except as specifically required by state statute;
- h) prescribes methodologies or requirements that allow regulated parties flexibility and encourage innovation in meeting the legislative or administrative requirements and objectives underlying the rule;
- I) is based on credible assessments, using recognized standards, of the degree and nature of the risks which may be regulated, including a comparison with every-day risks familiar to the public;
- j) gives preference to the least costly, least burdensome regulatory and paperwork requirements needed to accomplish legislative and administrative objectives;
- k) is based upon the best scientific, technical and economic information that can reasonably and affordably be obtained; and

l) if possible and practical, favors market-oriented solutions and performance standards over command-and-control regulation.

2. The agency has complied with SAPA §§202-a, 202-b and 202-bb, relating to regulatory impact statement, regulatory flexibility analysis for small businesses and rural area flexibility analysis.

If GORR concludes that any of the criteria is not met, it may require the agency to undertake additional analyses, including a cost-benefit analysis or risk assessment.

Once the information provided to GORR is complete, GORR recommends to the Secretary to the Governor, Counsel to the Governor, Deputy Secretary to the Governor and Director of the Division of the Budget whether the agency may submit the rule making for publication in the *State Register*.

After publication, GORR again reviews the rule for any new information or factors. If GORR concludes that any such new factors exist, the agency is notified of any deficiencies within 45 days of publication of the proposed rule (30 days of publication of a revised rule).

GORR reviews the agency response to determine whether it adequately addresses the deficiencies. If the response is adequate, the agency may proceed with the rule making. If the agency response is inadequate, GORR may notify the agency that it may not adopt the rule. This notification may then be confirmed or modified by the Governor's Senior Advisors.

Agencies should submit proposed and substantially revised rules in MSWord format via E-mail, together with their required statements and analyses, in their entirety, to:

Regs@GORR.State.NY.US

Questions and comments may be directed to Counsel's Office at the address and telephone number below:

Amelia F. Stern, Counsel
Governor's Office of Regulatory Reform
P.O. Box 2107
Empire State Plaza, Bldg. 1
Albany, NY 12220-0107
(518) 473-0620

NEW YORK STATE REGISTER

Be a part of the rule making process!

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

To be considered, comments must reach the agency before the proposed rule is adopted. The law provides for a minimum 45-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making for which full text was included or posted on a state web site, or which is a consensus rule or a rule defined in SAPA §102(2)(a)(ii); a minimum 60-day public comment period after publication in the *Register* of a Notice of Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and a 30-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

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

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

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

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

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

NYS Department of State
One Commerce Plaza
99 Washington Avenue
Suite 650
Albany, NY 12231-0001
Telephone: (518) 474-6785

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

Effective with the October 25, 2006 issue of the *Register*, in compliance with Chapter 230 of the Laws of 2006, individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the *Register* and follow the procedures on the website (www.dos.state.ny.us)

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RULE MAKING ACTIVITIES

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

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

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

Department of Civil Service

NOTICE OF ADOPTION

Special Enrollee Positions Designated for Inclusion in the Income Protection Plan (IPP)

I.D. No. CVS-21-08-00001-A

Filing No. 744

Filing date: July 21, 2008

Effective date: Aug. 6, 2008

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

Action taken: Amendment of section 78.9 and repeal of Appendix 5 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 159(1) (listed incorrectly as section 158 in the Notice of Proposed Rule Making)

Subject: Special enrollee positions designated for inclusion in the Income Protection Plan (IPP).

Purpose: To update and regulate the list of special enrollee positions designated for inclusion in the Income Protection Plan.

Text or summary was published in the May 21, 2008 issue of the *State Register*, I.D. No. CVS-21-08-00001-P.

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

Text of rule and any required statements and analyses may be obtained from: Shirley LaPlante, Department of Civil Service, AESSOB,

Albany, NY 12239, (518) 473-6598, e-mail: shirley.laplante@cs.state.ny.us

Assessment of Public Comment

The agency received no public comment.

Department of Correctional Services

ERRATUM

A Notice of Proposal to repeal 7 NYCRR § 100.21 lacked a sufficient description for the Statement Explaining Consensus Rule Making In Accordance With SAPA, Section 201 (1)(B)(i), when published in the July 23, 2008 issue of the *State Register*. Submitted below is a proper description.

STATEMENT EXPLAINING CONSENSUS RULE MAKING IN ACCORDANCE WITH SAPA, SECTION 201 (1)(B)(i)

The Department of Correctional Services has determined that no person is likely to object to the proposed action because it merely repeals a regulatory provision which is no longer applicable to any person. See SAPA § 102 (11)(a).

7 NYCRR § 100.21 provides that Green Haven Correctional Facility is designated as the institution for execution of a death sentence. The New York State Court of Appeals in *People v. Taylor*, 9 N.Y.3d 129 (2007), determined that the New York State death penalty sentencing statute enacted in 1995 violates the New York State Constitution on its face and that it is not within the power of the judiciary to save statute. Since then, the New York State Legislature has not passed a new death penalty statute. Therefore, the designation of Green Haven as the institution for executions is unnecessary.

The Department's authority resides in section 70 of Correction Law, which mandates that each correctional facility must be designated in the rules and regulations of the Department and assigns the Commissioner the duty to classify each facility with respect to the type of security maintained and the function as specified. See Correction Law § 70(6).

NOTICE OF ADOPTION

Family Reunion Program

I.D. No. COR-22-08-00001-A

Filing No. 741

Filing date: July 18, 2008

Effective date: Aug. 6, 2008

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

Action taken: Amendment of Part 220 of Title 7 NYCRR.

Statutory authority: Correction Law, sections 112 and 146

Subject: Family Reunion Program.

Purpose: To improve the review process for inmates applying for the Family Reunion Program, better identify programming requirements and define eligibility.

Text or summary was published in the May 28, 2008 issue of the *State Register*, I.D. No. COR-22-08-00001-P.

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

Text of rule and any required statements and analyses may be obtained from: Anthony Annucci, Executive Deputy Commissioner, Department of Correctional Services, 1220 Washington Ave., Albany, NY 12226, (518) 457-4951, e-mail: AJAnnucci@docs.state.ny.us

Assessment of Public Comment

The agency received no public comment.

Education Department

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

State Aid Awards for High Need Nursing Programs at Certain Independent Colleges and Universities

I.D. No. EDU-32-08-00003-P

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

Proposed Action: Amendment of section 150.4 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 215 and 6401-a; L. 2008, ch. 57

Subject: State aid awards for high need nursing programs at certain independent colleges and universities.

Purpose: To permit online nursing programs to be eligible for State aid, in accordance with Chapter 57 of the Laws of 2008.

Text of proposed rule 1. Subparagraph (ii) of paragraph (2) of subdivision (b) of Section 150.4 of the Regulations of the Commissioner of Education is amended, effective November 13, 2008, as follows:

(ii) the institution shall maintain an earned nursing degree program registered by the department, culminating in an associate degree or higher, [excluding] including any online nursing degree program offered via the internet;

2. Subdivision (f) of section 150.4 of the Regulations of the Commissioner of Education is added, effective November 13, 2008, as follows:

(f) *Annual reports.* Each eligible institution that receives State aid pursuant to section 6401-a of the Education Law shall submit an annual report to the commissioner by June 1 of each year, detailing each expenditure of State aid received and any other information the commissioner may require, in a form prescribed by the commissioner.

Text of proposed rule and any required statements and analyses may be obtained from: Anne Marie Koschnick, Legal Assistant, Education Department, Office of Counsel, Education Bldg. Rm. 148, Albany, NY 12234, (518) 473-8296, e-mail: legal@mail.nysed.gov

Data, views or arguments may be submitted to: Johanna Duncan-Poitier, Senior Deputy Commissioner of Education - P16, Education Department, 2M West Wing, Education Bldg., 89 Washington Ave., Albany, NY 12234, (518) 474-3862, e-mail: p16education@mail.nysed.gov

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

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

Section 215 of the Education Law authorizes the Commissioner of Education, or their representative, to visit, examine into and inspect, any institution in the university and any school or institution under the educational supervision of the state, and may require, as often as desired, reports in such form as the Regents or the Commissioner of Education may require.

Section 6401-a of the Education Law, as added by Chapter 57 of the Laws of 2007, authorizes the Commissioner of Education to award state

aid for high needs nursing programs at certain independent colleges and universities and to promulgate any regulations necessary to implement the requirements of this section.

Chapter 57 of the Laws of 2008 authorizes the Commissioner of Education to award state aid to certain eligible independent colleges and universities for high needs nursing programs, including those institutions that offer online nursing programs via the internet.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment carries out the legislative objectives set forth in the aforementioned statutes in that it permits eligible institutions offering online nursing degree programs to receive state aid under section 6401-a of the Education Law and requires each institution that receives state aid under Section 6401-a of the Education Law to submit an annual report detailing each expenditure of state aid.

3. NEEDS AND BENEFITS:

Section 6401-a of the Education Law, as amended by Chapter 57 of the Laws of 2008, authorizes the Commissioner of Education to award state aid for high needs nursing programs at certain independent institutions of higher education within the State, including those offering online nursing programs via the internet. In order to conform our existing regulation to the Section 6401-a of the Education Law, as amended by Chapter 57 of the Laws of 2008, the proposed amendment authorizes eligible institutions offering online nursing degree programs to receive state aid under section 6401-a of the Education Law and requires each institution that receives state aid under Section 6401-a of the Education Law to submit an annual report detailing each expenditure of state aid.

Other than the annual report mentioned above, the amendment does not add or alter any other reporting or recordkeeping requirements for independent colleges and universities, including those located in rural areas. The amendment will not require regulated parties to acquire professional services to comply.

4. COSTS:

a. Costs to the State government. The proposed amendment will not impose additional costs on State government.

b. Costs to local government. None.

c. Costs to private regulatory parties. The proposed amendment may impose negligible costs on regulated entities when applying for state aid awards under Section 6401-a of the Education Law. Specifically, an annual negligible cost may be imposed on regulated parties to complete the required annual report.

d. Costs to the regulatory agency. None.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment will not impose any new mandates on local governments.

6. PAPERWORK:

Other than the annual report mentioned above, the amendment does not add or alter any other reporting or recordkeeping requirements for independent colleges and universities. The amendment will not require regulated parties to acquire professional services.

7. DUPLICATION:

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

8. ALTERNATIVES:

There are no viable alternatives to the proposed amendment at this time.

9. FEDERAL STANDARDS:

The proposed amendment provides State aid for certain independent institutions of higher learning that offer online high needs nursing programs.

10. COMPLIANCE SCHEDULE:

It is anticipated that regulated parties will be able to achieve compliance with the proposed regulation by its stated effective date.

Regulatory Flexibility Analysis

Section 6401-a of the Education Law, as amended by Chapter 57 of the Laws of 2008, authorizes the Commissioner of Education to award state aid to certain eligible independent colleges and universities for high needs nursing programs, including those institutions that offer online nursing programs via the internet. In order to implement the requirements of section 6401-a, the proposed amendment is needed to delete the exclusion currently in the regulation for online nursing programs. The proposed amendment also requires each institution to submit an annual report detailing each expenditure of state aid received under Section 6401-a of the Education Law.

Based on 2005-2006 academic year data, the Department estimates that approximately 43 colleges and universities will be eligible for state aid for

high needs nursing programs under Section 6401-a of the Education Law. However, in order to be eligible for state aid under this section, the institution must be a non-profit or independent college or university. Accordingly, the institutions applying for state aid under this section are not small businesses.

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

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

The proposed amendment applies to certain independent colleges and universities that offer nursing programs in New York State with high needs nursing programs registered by the State Education Department. Based on 2005-2006 academic year data, the Department estimates that approximately 43 colleges and universities will be eligible for state aid under the proposed regulation. Of these, approximately 12 are located in rural areas, defined as the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less.

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

Section 6401-a of the Education Law, as amended by Chapter 57 of the Laws of 2008, authorizes the Commissioner of Education to award state aid to certain eligible independent colleges and universities for high needs nursing programs, including those institutions that offer online nursing programs via the internet. In order to implement the requirements of section 6401-a, the proposed amendment is needed to delete the exclusion currently in the regulation for online nursing programs. The proposed amendment also requires each institution to submit an annual report detailing each expenditure of state aid received under Section 6401-a of the Education Law.

3. COSTS:

The proposed amendment may impose negligible costs on regulated entities when applying for state aid awards under Section 6401-a of the Education Law. Specifically, an annual negligible cost may be imposed on regulated parties to complete the required annual report.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment implements the requirements of Chapter 57 of the Laws of 2008. The statute makes no exception and does not impose different requirements for eligible independent colleges and universities located in rural areas. The proposed amendment has been carefully drafted to implement the statutory mandates.

5. RURAL AREA PARTICIPATION:

A copy of the proposed amendment was shared with each of the independent colleges and universities in New York State with high needs nursing programs, including those located in rural areas.

In addition, comments on the proposed amendment were solicited from the Rural Education Advisory Committee, whose membership includes, among others, representatives of school districts, BOCES, business interests, and government entities located in rural areas.

Job Impact Statement

Section 6401-a of the Education Law, as amended by Chapter 57 of the Laws of 2008, authorizes the Commissioner of Education to award state aid to certain eligible independent colleges and universities for high needs nursing programs, including those institutions that offer online nursing programs via the internet. In order to implement the requirements of section 6401-a, the proposed amendment is needed to delete the exclusion currently in the regulation for online nursing programs. The proposed amendment also requires each institution to submit an annual report detailing each expenditure of state aid received under Section 6401-a of the Education Law.

Because it is evident from the nature of this proposed amendment that it will have no impact on jobs or employment opportunities, no further steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one was not prepared.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Education Law Section 310 Appeals to the Commissioner of Education

I.D. No. EDU-32-08-00004-P

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

Proposed Action: Amendment of section 100.2 (y) and Parts 275 and 276 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101 (not subdivided), 207 (not subdivided), 215 (not subdivided), 305(1) and (2), 310 (not subdivided) and 311 (not subdivided)

Subject: Education Law section 310 appeals to the Commissioner of Education.

Purpose: To clarify, update and prescribe Education Law section 310 appeal procedures and requirements.

Summary of proposed rule (Full text is posted at the following State website <http://www.counsel.nysed.gov/home1.html>): The State Education Department proposes to amend Parts 275 and 276 and section 100.2(y) of the Regulations of the Commissioner of Education, regarding the procedures for bringing appeals to the Commissioner of Education pursuant to Education Law section 310. The following is a summary of the provisions of the proposed rule.

Section 275.3 is revised to clarify procedures for the submission of additional pleadings.

Sections 275.5 and 275.6 are revised to clarify requirements for verification of pleadings by a corporation, limited liability company (LLC), limited liability partnership (LLP) or other business entity.

Sections 275.8 and 275.9 have been revised to clarify procedures for the service of a petition when the last day for service falls on a Saturday, Sunday or legal holiday, to clarify procedures for completion of service by private express delivery, and to provide a form for affidavit of service by private express delivery.

Section 275.11 has been revised to add cross citations to section 276.1 if a stay is being requested, and to section 277.1 if removal of a school officer is sought.

Section 275.12 has been revised to require in appeals involving student discipline, that the school district include with its answer the record of the disciplinary hearing prepared in accordance with Education Law section 3214, which shall include the transcript of the hearing, in either stenographic or tape recorded form, and any documents admitted into evidence.

Section 275.13 has been revised to clarify that the commissioner, in his/her sole discretion, may excuse a failure to serve and answer within the time prescribed for good cause shown and that the reasons for such failure shall be set forth in the answer.

Section 275.15 has been revised to clarify requirements for representation by an attorney of an individual party, a school district, and a corporation, LLC, LLP or other business entity.

Section 275.16 has been revised to clarify that the Commissioner may, in his/her discretion, and at any stage of the proceedings, dismiss an untimely appeal.

Section 275.18 has been added to specify requirements and procedures for the consolidation of appeals.

Section 276.1 has been revised to clarify service requirements for affidavits in opposition to an application for a stay order.

Section 276.2 has been revised to provide that the Office of Counsel will notify parties with respect to a request for oral arguments, only in the event the request is granted.

Section 276.3 has been revised to clarify requirements and procedures for seeking extensions of time to answer or reply.

Section 276.4 has been revised to clarify procedures for submission of memoranda of law.

Section 276.5 has been revised to clarify procedures for submission of additional affidavits, exhibits and other supporting papers.

Section 276.9 has been revised to clarify procedures for the dismissal of appeals.

Provisions throughout the regulations are revised to update or correct terminology, e-mail and regular mail addresses and telephone numbers, and obsolete, superceded provisions in 275.9, 275.11, 275.13, 275.14 and 276.4, relating to pleadings in appeals concerning pupils with handicapping conditions, have been deleted.

Text of proposed rule and any required statements and analyses may be obtained from: Anne Marie Koschnick, Legal Assistant, Education Department, Office of Counsel, Education Bldg., Rm. 148, Albany, NY 12234, (518) 473-8296, e-mail: legal@mail.nysed.gov

Data, views or arguments may be submitted to: Kathy A. Ahearn, Counsel and Deputy Commissioner for Legal Affairs, Office of Counsel, Education Bldg., Rm. 148, Education Department, 89 Washington Ave., Albany, NY 12234, (518) 474-6400, e-mail: legal@mail.nysed.gov

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law section 101 continues the existence of the Education Department, with the Board of Regents as its head, and authorizes the Regents to appoint the Commissioner as chief administrative officer of the Department, which is charged with the general management and supervision of public schools and the educational work of the State.

Education Law section 207 authorizes the Regents and Commissioner to adopt rules and regulations implementing State law regarding education.

Education Law section 215 provides the Commissioner with authority to require schools to submit reports containing such information as the Commissioner may prescribe.

Education Law section 305(1) designates the Commissioner as chief executive officer of the State system of education and the Regents, and authorizes the Commissioner to enforce laws relating to the educational system and to execute the Regents' educational policies. Section 305(2) authorizes the Commissioner to have general supervision over schools subject to the Education Law.

Education Law section 310 provides that an aggrieved party may appeal by petition to the Commissioner of Education in consequence of certain specified actions by school districts and school officials.

Education Law section 311 authorizes the Commissioner to regulate the practice of appeals to the Commissioner brought pursuant to Education Law section 310.

Education Law section 3202(1) specifies the school district of residence as the school district in which children residing in New York State are entitled to attend school without the payment of tuition. That section is intended to assure that each child residing within the State is able to attend school on a tuition-free basis in accordance with Article XI, section 1 of the New York State Constitution. Moreover, it is the policy of the Legislature, as expressed in Education Law section 3205(1) to require instruction for each child of compulsory school age within the State.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the authority conferred by the above statutes to regulate the practice and procedures to be followed in Education Law section appeals.

3. NEEDS AND BENEFITS:

The proposed rule is needed to clarify, update and prescribe Education Law section 310 appeal procedures and requirements, consistent with established practice. Specifically, the proposed rule will:

- (1) clarify procedures for the submission of additional pleadings;
- (2) clarify requirements for verification of pleadings by a corporation, limited liability company (LLC), limited liability partnership (LLP) or other business entity;
- (3) clarify procedures for the service of a petition when the last day for service falls on a Saturday, Sunday or legal holiday and procedures for completion of service by private express delivery, and to provide a form for affidavit of service by private express delivery;
- (4) add cross citations to section 276.1 if a stay is being requested, and to section 277.1 if removal of a school officer is sought;
- (5) require in appeals involving student discipline, that the school district include with its answer the record of the disciplinary hearing prepared in accordance with Education Law section 3214;
- (6) clarify that the commissioner, in his/her sole discretion, may excuse a failure to serve an answer within the time prescribed for good cause shown and that the reasons for such failure shall be set forth in the answer;
- (7) clarify requirements for representation by an attorney of an individual party, a school district, and a corporation, LLC, LLP or other business entity;
- (8) clarify that the Commissioner may, in his/her discretion, and at any stage of the proceedings, dismiss an untimely appeal;
- (9) specify requirements and procedures for the consolidation of appeals;
- (10) clarify service requirements for affidavits in opposition to an application for a stay order;
- (11) provide that the Office of Counsel will notify parties with respect to a request for oral arguments, only in the event the request is granted;
- (12) clarify requirements and procedures for seeking extensions of time to answer or reply;
- (13) clarify procedures for submission of memoranda of law;
- (14) clarify procedures for submission of additional affidavits, exhibits and other supporting papers;
- (15) clarify procedures for the dismissal of appeals; and

(16) update or correct terminology, e-mail and regular mail addresses and telephone numbers, and delete obsolete, superseded provisions in 275.9, 275.11, 275.13, 275.14 and 276.4, relating to pleadings in appeals concerning pupils with handicapping conditions.

4. COSTS:

Cost to the State: None.

Costs to local government: None.

Cost to private regulated parties: None.

Cost to regulating agency for implementation and continued administration of this rule: None.

The proposed rule clarifies, updates and prescribes Education Law section 310 appeal procedures and requirements, consistent with established practice, and will not impose any additional costs on the State, local government, private regulated parties or the State Education Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment is necessary to clarify, update and prescribe Education Law section 310 appeal procedures and requirements, consistent with established practice. The proposed amendment will not impose any additional program, service, duty or responsibility on local governments.

6. PAPERWORK:

The proposed amendment is necessary to clarify, update and prescribe Education Law section 310 appeal procedures and requirements, consistent with established practice.

A party seeking to file an additional pleading shall submit an application to the Office of Counsel which shall state the reasons why such pleading is necessary and include a copy of the proposed pleading, together with proof of service upon all parties.

A party seeking to file affidavits, exhibits and other supporting papers shall submit an application to the Office of Counsel, which shall state the reasons why such affidavits, exhibits or other supporting papers are necessary and include a copy of the affidavit, exhibit or other supporting papers, together with proof of service upon all parties.

In appeals involving student discipline, it shall be the responsibility of the board of education, board of trustees or sole trustee to include with its answer the record of the disciplinary hearing.

A party involved in a consolidation of appeals shall serve and file pleadings, affidavits, memoranda of law and other papers upon such terms as the Commissioner may specify.

7. DUPLICATION:

The proposed amendment does not duplicate, overlap or conflict with State and Federal rules or requirements.

8. ALTERNATIVES:

There were no significant alternatives and none were considered.

9. FEDERAL STANDARDS:

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

10. COMPLIANCE SCHEDULE:

It is anticipated that regulated parties will be able to achieve compliance with the provisions of the proposed amendment by its effective date.

Regulatory Flexibility Analysis

Small Businesses:

The proposed amendment relates to procedures for appeals that are brought pursuant to Education Law section 310, and does not apply to small businesses since they are not parties to such proceedings. The proposed amendment will not impose any additional reporting, recordkeeping or other compliance requirements on small businesses, nor will it have any adverse economic impact on small businesses. Because it is evident from the nature of the rule that it does not apply to small businesses, no further steps were needed to ascertain that fact and none were taken. Therefore, a regulatory flexibility analysis is not required, and one has not been prepared.

Local Governments:

EFFECT OF PROPOSED RULE :

The proposed amendment is applicable to all public school districts and boards of cooperative educational services (BOCES) in the State.

COMPLIANCE REQUIREMENTS:

The proposed rule is needed to clarify, update and prescribe Education Law section 310 appeal procedures and requirements, consistent with established practice, and will not impose any additional compliance requirements. Specifically, the proposed rule will:

- (1) clarify procedures for the submission of additional pleadings;
- (2) clarify requirements for verification of pleadings by a corporation, limited liability company (LLC), limited liability partnership (LLP) or other business entity;

(3) clarify procedures for the service of a petition when the last day for service falls on a Saturday, Sunday or legal holiday and procedures for completion of service by private express delivery, and to provide a form for affidavit of service by private express delivery;

(4) add cross citations to section 276.1 if a stay is being requested, and to section 277.1 if removal of a school officer is sought;

(5) require in appeals involving student discipline, that the school district include with its answer the record of the disciplinary hearing prepared in accordance with Education Law section 3214;

(6) clarify that the commissioner, in his/her sole discretion, may excuse a failure to serve an answer within the time prescribed for good cause shown and that the reasons for such failure shall be set forth in the answer;

(7) clarify requirements for representation by an attorney of an individual party, a school district, and a corporation, LLC, LLP or other business entity;

(8) clarify that the Commissioner may, in his/her discretion, and at any stage of the proceedings, dismiss an untimely appeal;

(9) specify requirements and procedures for the consolidation of appeals;

(10) clarify service requirements for affidavits in opposition to an application for a stay order;

(11) provide that the Office of Counsel will notify parties with respect to a request for oral arguments, only in the event the request is granted;

(12) clarify requirements and procedures for seeking extensions of time to answer or reply;

(13) clarify procedures for submission of memoranda of law;

(14) clarify procedures for submission of additional affidavits, exhibits and other supporting papers;

(15) clarify procedures for the dismissal of appeals; and

(16) update or correct terminology, e-mail and regular mail addresses and telephone numbers, and delete obsolete, superceded provisions in 275.9, 275.11, 275.13, 275.14 and 276.4, relating to pleadings in appeals concerning pupils with handicapping conditions.

A party seeking to file an additional pleading shall submit an application to the Office of Counsel which shall state the reasons why such pleading is necessary and include a copy of the proposed pleading, together with proof of service upon all parties.

A party seeking to file affidavits, exhibits and other supporting papers shall submit an application to the Office of Counsel, which shall state the reasons why such affidavits, exhibits or other supporting papers are necessary and include a copy of the affidavit, exhibit or other supporting papers, together with proof of service upon all parties.

In appeals involving student discipline, it shall be the responsibility of the board of education, board of trustees or sole trustee to include with its answer the record of the disciplinary hearing.

A party involved in a consolidation of appeals shall serve and file pleadings, affidavits, memoranda of law and other papers upon such terms as the Commissioner may specify.

PROFESSIONAL SERVICES:

The proposed amendment will not increase the level of professional services needed by school districts or BOCES to comply with its requirements.

COMPLIANCE COSTS:

The proposed rule is needed to clarify, update and prescribe Education Law section 310 appeal procedures and requirements, consistent with established practice, and will not impose any additional costs on school districts or BOCES.

ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed amendment does not impose any additional technological requirements on school districts or BOCES. Economic feasibility is addressed under the compliance costs section above.

MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to clarify, update and prescribe Education Law section 310 appeal procedures and requirements, consistent with established practice, and will not impose any additional compliance requirements on school districts and BOCES.

The proposed amendment modifies the procedures concerning appeals that are brought pursuant to Education Law section 310. The proposed amendment does not impose any additional reporting, recordkeeping or other compliance requirements on local governments beyond those imposed by Federal and State statutes.

LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed amendment were solicited from school districts and BOCES through the offices of the district superintendents of each supervisory district in the State. A draft of the proposed rule was sent,

for review and comment, to the New York School Boards Association, New York State United Teachers, New York City Department of Education, New York State Council of School Superintendents, New York State Association of School Attorneys and the Department's Office of State Review.

Rural Area Flexibility Analysis

TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

The proposed amendment applies to all school districts in the State, including those located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less. At present 2 school districts and 11 BOCES serve rural areas.

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

The proposed rule is needed to clarify, update and prescribe Education Law section 310 appeal procedures and requirements, consistent with established practice, and will not impose any additional compliance requirements. Specifically, the proposed rule will:

(1) clarify procedures for the submission of additional pleadings;

(2) clarify requirements for verification of pleadings by a corporation, limited liability company (LLC), limited liability partnership (LLP) or other business entity;

(3) clarify procedures for the service of a petition when the last day for service falls on a Saturday, Sunday or legal holiday and procedures for completion of service by private express delivery, and to provide a form for affidavit of service by private express delivery;

(4) add cross citations to section 276.1 if a stay is being requested, and to section 277.1 if removal of a school officer is sought;

(5) require in appeals involving student discipline, that the school district include with its answer the record of the disciplinary hearing prepared in accordance with Education Law section 3214;

(6) clarify that the commissioner, in his/her sole discretion, may excuse a failure to serve an answer within the time prescribed for good cause shown and that the reasons for such failure shall be set forth in the answer;

(7) clarify requirements for representation by an attorney of an individual party, a school district, and a corporation, LLC, LLP or other business entity;

(8) clarify that the Commissioner may, in his/her discretion, and at any stage of the proceedings, dismiss an untimely appeal;

(9) specify requirements and procedures for the consolidation of appeals;

(10) clarify service requirements for affidavits in opposition to an application for a stay order;

(11) provide that the Office of Counsel will notify parties with respect to a request for oral arguments, only in the event the request is granted;

(12) clarify requirements and procedures for seeking extensions of time to answer or reply;

(13) clarify procedures for submission of memoranda of law;

(14) clarify procedures for submission of additional affidavits, exhibits and other supporting papers;

(15) clarify procedures for the dismissal of appeals; and

(16) update or correct terminology, e-mail and regular mail addresses and telephone numbers, and delete obsolete, superceded provisions in 275.9, 275.11, 275.13, 275.14 and 276.4, relating to pleadings in appeals concerning pupils with handicapping conditions.

A party seeking to file an additional pleading shall submit an application to the Office of Counsel which shall state the reasons why such pleading is necessary and include a copy of the proposed pleading, together with proof of service upon all parties.

A party seeking to file affidavits, exhibits and other supporting papers shall submit an application to the Office of Counsel, which shall state the reasons why such affidavits, exhibits or other supporting papers are necessary and include a copy of the affidavit, exhibit or other supporting papers, together with proof of service upon all parties.

In appeals involving student discipline, it shall be the responsibility of the board of education, board of trustees or sole trustee to include with its answer the record of the disciplinary hearing.

A party involved in a consolidation of appeals shall serve and file pleadings, affidavits, memoranda of law and other papers upon such terms as the Commissioner may specify.

The proposed amendment will not increase the level of professional services needed by school districts or BOCES to comply with its requirements.

COMPLIANCE COSTS:

The proposed rule is needed to clarify, update and prescribe Education Law section 310 appeal procedures and requirements, consistent with established practice, and will not impose any additional costs on school districts or BOCES.

MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to clarify, update and prescribe Education Law section 310 appeal procedures and requirements, consistent with established practice, and will not impose any additional compliance requirements on school districts and BOCES.

The proposed amendment modifies the procedures concerning appeals that are brought pursuant to Education Law section 310. The proposed amendment does not impose any additional reporting, recordkeeping or other compliance requirements on local governments beyond those imposed by Federal and State statutes.

The proposed amendment does not impose any additional reporting, recordkeeping or other compliance requirements on rural areas. Because these requirements are applicable State-wide, it was not possible to prescribe lesser requirements for rural areas.

RURAL AREA PARTICIPATION:

Comments on the proposed amendment were solicited from the Department's Rural Advisory Committee, whose membership includes school districts and BOCES located in rural areas. A draft of the proposed rule was sent, for review and comment, to the New York School Boards Association, New York State United Teachers, New York City Department of Education, New York State Council of School Superintendents, New York State Association of School Attorneys and the Department's Office of State Review.

Job Impact Statement

The proposed amendment relates to Education Law section 310 appeal procedures and will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the rule that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Department of Environmental Conservation

ERRATUM

A Notice of Emergency/Proposed Rule Making, I.D. No. ENV-29-08-00005-EP, pertaining to Lobster Maximum Size Limit for Lobster Conservation Management Area 4 and V- Notch Definition for Lobster Harvest, published in the July 16, 2008 issue of the *State Register* contained an incorrect Additional Matter. The correct Additional Matter follows:

Additional matter required by statute: Pursuant to the State Environmental Quality Review Act, a negative declaration is on file with the department.

Division of Housing and Community Renewal

NOTICE OF ADOPTION

Entities Which Own and Control Housing Companies under the Private Housing Finance Law

I.D. No. HCR-08-08-00006-A

Filing No. 747

Filing date: July 22, 2008

Effective date: Aug. 6, 2008

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

Action taken: Addition of Part 1733 to Title 9 NYCRR.

Statutory authority: Private Housing Finance Law, sections 13, 16, 17, 27, 32, 72, 73, 82 and 84

Subject: Entities which own and control housing companies under the Private Housing Finance Law.

Purpose: To regulate the approval of a partner, the transfer of interest in a housing company, and the conduct of the partner.

Text of final rule: The Management Manual for Housing Companies, as amended and adopted pursuant to the powers granted to the Division of Housing and Community Renewal by the Private Housing Finance Law, Section 32 (as derived from section 319 of the Public Housing Law, as amended; repealed by chapter 803, Laws of 1961) as amended and Section 84 (as derived from section 181 of the Public Housing Law, as amended; repealed by chapter 803, Laws of 1961) as amended, is further amended to add a new part 1733 as provided below:

PART 1733

PARTNERSHIP RELATIONS AND TRANSFERS OF INTERESTS IN RENTAL HOUSING COMPANIES.

Section 1733: Rights and Duties of Partnerships and Housing Companies.

(a) *Partnership Agreements.* Partnership agreements and amendments thereto must be in compliance with the Private Housing Finance Law and regulations, and are subject to the prior, written approval of the commissioner.

(b) *Financial Records and Partnership Distributions.* A partnership shall furnish to the commissioner such financial and other reports as the commissioner deems necessary. All distributions by a partnership are subject to the prior, written approval of the commissioner.

(c) *Partnership/Housing Company Transactions.* A housing company which is in a partnership, or a partnership acting on behalf of a housing company, may not enter into contracts with persons or entities in which the general partner or any person or entity who is actively involved in the ownership or management of the property has a direct or indirect interest, or which are controlled by such general partner or other person or entity, without the prior, written approval of the commissioner.

(d) *Transfers of Interests in Partnerships.* Transfers of general partner or controlling interests in the partnership, including but not limited to the substitution or admission of a new general partner, are subject to the prior, written approval of the commissioner.

(e) *Transfers of Interests in Housing Companies.* An interest in a housing company may not be sold or otherwise transferred without the prior, written approval of the commissioner.

(f) *Standard of Review.* In reviewing requests for approval of changes in ownership interests under this section, in addition to determining compliance with all other requirements for such sales or transfers, the commissioner shall determine that the proposed purchaser or transferee is a qualified and responsible owner, which shall mean that the proposed purchaser or transferee has the capacity to maintain such property in good physical and financial condition, and in compliance with program requirements. In making such determination, the commissioner may consider the purchaser or transferee's past performance with regard to the following factors:

- (1) successful experience in owning or managing comparable residential properties;
- (2) mortgage defaults;
- (3) suspensions, debarments, terminations or substandard performance under a government program;
- (4) loss of any licenses or permits;
- (5) criminal convictions;
- (6) civil injunctions or other court sanctions, including any judgments;
- (7) defaults on loans or surety or performance bonds;
- (8) building maintenance and code violations on other buildings;
- (9) bankruptcies; and
- (10) other factors which bear on the capacity of the purchaser or transferee to maintain the project in good physical and financial condition and otherwise comply with program requirements.

(g) *Conditions on Approval.* In the event that the dissolution or reconstitution of a housing company is limited or precluded by statute, local law, ordinance, land disposition agreement, deed restriction, or by any other terms of creation, conveyance or through its organizational documents, the Commissioner may condition approval of a request to sell or transfer a housing development owned by such housing company, or any other interest set forth in this Part, upon the continuation of such limitation or preclusion against the buyer or transferee.

(h) *Failure to Provide Information or Documentation.* Failure to provide information or documentation which the commissioner deems necessary to determine a request for approval under this section may be the basis for rejecting any application filed hereunder.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 1733(c).

Text of rule and any required statements and analyses may be obtained from: Gary R. Connor, Esq., Division of Housing and Community Renewal, 25 Beaver St., 7th Fl., New York, NY 10004, (212) 480-6707, e-mail: gconnor@nysdchr.gov

Regulatory Impact Statement

DHCR has promulgated 9 NYCRR 1733 because although administration of the Private Housing Finance Law required DHCR to approve transfers of ownership interests in these companies, there were no regulations governing the approval process. These regulations codify DHCR's role and standards in the process of approving the transfer of the housing company or partnership so as to allow DHCR to assure that responsible individuals and entities will be in control of the housing company and that obligations placed on housing companies are not circumvented or impinged upon by the use of such partnerships.

To accomplish this end, section 1733(c) required that a housing company which is in a partnership, or a partnership acting on behalf of a housing company receive the prior written approval of the Commissioner before entering into contracts with persons or entities in which other partners have a direct or indirect interest, or which are controlled by other partners. As a result of public comment, DHCR revised section 1733(c) to exclude limited partners who do not actively participate in the operation or management of the property from the requirement that such contracts receive the prior approval of the Commissioner.

Although the text of the regulation has been modified in this regard, such modification is not a substantial revision and does not necessitate a change in any of the statements made in the originally-published Regulatory Impact Statement.

Regulatory Flexibility Analysis

DHCR has promulgated 9 NYCRR 1733 because although administration of the Private Housing Finance Law required DHCR to approve transfers of ownership interests in these companies, there were no regulations governing the approval process. These regulations codify DHCR's role and standards in the process of approving the transfer of the housing company or partnership so as to allow DHCR to assure that responsible individuals and entities will be in control of the housing company and that obligations placed on housing companies are not circumvented or impinged upon by the use of such partnerships.

To accomplish this end, section 1733(c) required that a housing company which is in a partnership, or a partnership acting on behalf of a housing company receive the prior written approval of the Commissioner before entering into contracts with persons or entities in which other partners have a direct or indirect interest, or which are controlled by other partners. As a result of public comment, DHCR revised section 1733(c) to exclude limited partners who do not actively participate in the operation or management of the property from the requirement that such contracts receive the prior approval of the Commissioner.

Although the text of the regulation has been modified in this regard, such modification is not a substantial revision and does not necessitate a change in any of the statements made in the originally-published Regulatory Flexibility Analysis.

Rural Area Flexibility Analysis

DHCR has promulgated 9 NYCRR 1733 because although administration of the Private Housing Finance Law required DHCR to approve transfers of ownership interests in these companies, there were no regulations governing the approval process. These regulations codify DHCR's role and standards in the process of approving the transfer of the housing company or partnership so as to allow DHCR to assure that responsible individuals and entities will be in control of the housing company and that obligations placed on housing companies are not circumvented or impinged upon by the use of such partnerships.

To accomplish this end, section 1733(c) required that a housing company which is in a partnership, or a partnership acting on behalf of a housing company receive the prior written approval of the Commissioner before entering into contracts with persons or entities in which other partners have a direct or indirect interest, or which are controlled by other partners. As a result of public comment, DHCR revised section 1733(c) to exclude limited partners who do not actively participate in the operation or management of the property from the requirement that such contracts receive the prior approval of the Commissioner.

Although the text of the regulation has been modified in this regard, such modification is not a substantial revision and does not necessitate a change in any of the statements made in the originally-published Rural Area Flexibility Analysis.

Job Impact Statement

DHCR has promulgated 9 NYCRR 1733 because although administration of the Private Housing Finance Law required DHCR to approve transfers of ownership interests in these companies, there were no regulations governing the approval process. These regulations codify DHCR's role and standards in the process of approving the transfer of the housing company or partnership so as to allow DHCR to assure that responsible individuals and entities will be in control of the housing company and that obligations placed on housing companies are not circumvented or impinged upon by the use of such partnerships.

To accomplish this end, section 1733(c) required that a housing company which is in a partnership, or a partnership acting on behalf of a housing company receive the prior written approval of the Commissioner before entering into contracts with persons or entities in which other partners have a direct or indirect interest, or which are controlled by other partners. As a result of public comment, DHCR revised section 1733(c) to exclude limited partners who do not actively participate in the operation or management of the property from the requirement that such contracts receive the prior approval of the Commissioner.

Although the text of the regulation has been modified in this regard, such modification is not a substantial revision and does not necessitate a change in the originally-published Job Impact Statement Exemption.

Assessment of Public Comment

This assessment specifies the major substantive issues raised in the two letters received concerning the new regulations governing Partnership Relations and Transfers of Interests in Rental Housing Companies. The assessment includes the alternatives suggested and DHCR's COMMENTARY in response thereto.

The Regulations were published in the New York State Register on February 20, 2008, and the period for the submission of public comments on these amendments ended on April 5, 2008.

Comment: Under Section 1733 (d) transfers of interests from limited partners to general partners or controlling interests or to new partners should also require approval by the Commissioner.

Response: The proposed regulations do require prior approval of a transfer of a controlling interest to a new partner. However they do not require prior approval of a transfer of a limited partner's interest to an existing general partner because the interest of the limited is generally that of a passive investor, and the general partner is already in control of the operation and management of the property, so the transfer is not likely to affect management or operations. Accordingly, after considering the alternative, DHCR has determined that to require prior approval of such transfers in every instance would be unnecessary and could create an undue regulatory burden, especially where, as is often the case in modern real estate ownership structures, there are a large number of limited partners.

Comment: All written and financial documentation in connection with the proposed change should be submitted to the Commissioner.

Response: In considering this comment, DHCR concluded that since modern real estate transactions are often multifaceted, and may involve voluminous documents, only some of which are relevant to DHCR's supervisory responsibilities, DHCR believes it is only necessary to require the submission of documentation which is relevant or necessary to satisfy DHCR's inquiries. However, there is nothing in these regulations which preclude DHCR from making all inquires and requesting all documentation which DHCR deems necessary to fulfill its statutory functions in the particular circumstances presented.

Comment: Section 1733(f) should explicitly state that DHCR must determine that the proposed sale price is compatible under the existing rent structure. Sales that are not supportable under Mitchell-Lama should be rejected.

Response: This comment is a request for an additional provision rather than a comment on an existing provision of the proposed regulations. Accordingly, it would be inappropriate for DHCR to respond to this comment in the context of these proceedings or to modify these proposed regulations in response to the comment.

Comment: Under Section 1733(g), under what circumstances would conditions affecting dissolution NOT survive purchase? DHCR should reject any application for dissolution given these restrictions.

Response: The circumstances and conditions that might affect a dissolution or reconstitution are many and varied, as are their possible effects upon a housing company's ability to dissolve or reconstitute. In consider-

ing this comment, DHCR has determined that it would not be appropriate to provide an exclusive list of such circumstances in a regulation, nor would it be appropriate for a regulation to dictate the final outcome of this type of review. DHCR, however, will review these matters on a case-by-case basis as appropriate.

Comment: Sections 1733(g) and (h) should affirmatively read that DHCR “shall” act (as opposed to “may” act) to reject sales that do not meet the regulation’s requirements.

Response: In reviewing requests for approval of a transfer of interests, DHCR believes that it should maintain discretion as to questions of whether the requirements of the regulations have been met.

Comment: Article II of the Private Housing Finance Law (“PHFL”) does not give the Commissioner the power to implement these proposed regulations.

Response: After considering this comment, DHCR believes that its Regulatory Impact Statement adequately sets forth those provisions of the PHFL which give the Commissioner the power to implement these regulations.

Comment: The Regulation’s standards are vague and overly broad and impose duties upon and authorize DHCR to assume responsibility beyond what its staff may accomplish in a timely and business-like manner.

Response: Under various statutes, regulations, and regulatory agreements, or simply as matter of discretion, various state agencies, including DHCR, have been reviewing changes in title, beneficial interests, controlling interests, and management, as well as the creation of new housing companies without causing undue delay or hardship to the regulated parties. DHCR believes it has the staff capacity to act within a reasonable time-frame and to work with all affected parties to do so.

Comment: Under Section 1733(a), the scope of review should be limited to compliance with the PHFL. The Commissioner should not have the ability to review and approve any partnership provisions which are not regulated by the PHFL.

Response: In considering this comment, DHCR believes it has a duty to inquire into those areas which affect the purposes of the PHFL. While in most instances these are areas which are expressly addressed in the PHFL, there are instances where a matter has a significant impact on the purposes of the PHFL though not specifically referenced in the statute.

Comment: The areas of review should be specifically enumerated so all parties know what is expected. DHCR’s staff lacks the expertise to evaluate and should not be expected to review and approve complicated partnership agreements.

Response: DHCR reviewed its regulations with this comment in mind, but finds that the regulations are sufficiently explicit. DHCR will limit its review to what is necessary under the circumstances, and can evaluate what is appropriate to fulfill its supervisory responsibilities.

Comment: Under Section 1733(b), distributions to partners should not be subject to the Commissioner’s prior approval because the Commissioner’s staff does not have the capacity to do this review in a timely manner. The Commissioner has the power to audit the financial statements of the partnership and may act on unauthorized distributions afterwards.

Response: In considering this comment, DHCR believes that historically it has routinely conducted prior review of these distributions without causing undue delay or burden upon the regulated parties.

Comment: The provision of section 1733(c) which prohibits contracts with persons or entities in which other partners have a “direct or indirect interest” “controlled by the partners” without the Commissioner’s prior approval is vague and “indirect interest” is not explained.

Response: This language has been part of the Regulations with respect to DHCR’s identity of interest provisions since their enactment in 1992. (See, 9NYCRR.1725-2.5 and 1729-1.4) and appears in PHFL Section 32(5)(d) which delineates DHCR’s investigative authority. Given its historical usage, DHCR foresees no difficulty in interpreting this section.

Comment: Under Section 1733(c), contracts involving interests held by limited partners should not be included among the contracts requiring prior approval of the Commissioner. Partnerships have many partners, including limited partners, for instance, who may have interests in other companies which may have contracts with the housing company of which the partners are not even aware. These partners have no role with respect to the operation of the partnership. Many of the investors in low-income housing tax credit projects which are investors in projects preserving Mitchell Lama housing are financial institutions or affiliated with very large financial institutions which may have other contracts with the partnerships and general partners apart from the investment. Any approval should be limited to affiliates of the general partner and limited to material contracts involving material sums.

Response: This comment is found to have merit. Accordingly, Section 1733(c) is revised to exclude limited partners who do not actively participate in the operation or management of the property from the requirement that such contracts receive the prior approval of the Commissioner. However, the exclusion of contracts involving limited partners who do not actively participate in the operation or management of the property from the requirement that such contracts be first approved by the Commissioner does not preclude DHCR from reviewing such business relationships as is necessary to fulfill its supervisory function. PHFL Section 32(5)(d) provides that DHCR may “investigate into the affairs of a company and into the dealings, transactions or relationships of such company with third persons and into the affairs of any person, firm, corporation or other entity having a financial interest, whether direct or indirect, in the design, construction, acquisition, reconstruction, rehabilitation, improvement, financing or operation of any project undertaken by a company.” This change brings the standard of review more in line with the standard of review contained in Section 1733(d) wherein transfers involving limited partners are generally not subject to prior approval of the Commissioner.

Comment: While most of the factors for review listed in 1733(f) are reasonable, factor 10, which allows the Commissioner to consider “other factors which bear on the capacity of the purchaser or transferee to maintain the project in good physical and financial condition and otherwise comply with program requirements” is vague and does not set forth standards as to what will be considered.

Response: The list represents an attempt to anticipate the most common relevant factors. However, others may present themselves in the course of DHCR’s case-by-case review. Accordingly, a certain level of discretion is required to meet circumstances as they arise, and any such review pursuant to Section 1733(f)(10) will be on notice and with an opportunity to be heard.

Comment: Section 1733(g) is vague and appears to authorize the Commissioner to act in areas beyond her authority or expertise. The Commissioner does not have the authority to interpret or enforce statutes or local law except as provided in the PHFL.

Response: Both DHCR and the New York City Department of Housing Preservation and Development (“HPD”) have interpreted provisions of other documents and local law which may preclude dissolution. The agencies’ determinations are subject to judicial review, and there has been significant litigation over such issues. DHCR’s staff is accustomed to conducting this type of review, as are many law firms and title insurance companies as a matter of course as part of a due diligence review.

Comment: If these or similar regulations are enacted, they should only be effective with respect to contracts to transfer partnership or housing company interests entered into after the effective date of the regulations. Individuals, housing companies and partnerships have entered into contracts in good faith with respect to existing law and expended substantial sums under these contracts. Entities which have entered contracts after being advised that DHCR did not have rules or regulations requiring such approval would be adversely affected by having to comply with these regulations.

Response: The proposed regulations are largely intended to be a codification of current practice and therefore will not subject a party to more stringent review than existed prior to their effective date. However, these regulations are remedial in nature, and are being promulgated based on concerns raised in transactions coming before the agency. DHCR reached out to affected parties advising them that these regulations were being contemplated. As to prior transactions completed by parties who were unaware of the need for review, the regulations do not provide for automatic nullification of prior transfers, and in cases of possible undue hardship or prejudice DHCR will entertain requests for waivers on a case-by-case basis. Note that while an applicant before an agency does not have the right to keep the applicable rules unchanged, under 9 NYCRR Section 1725-2.8, where a proceeding is pending prior to the adoption of a rule, DHCR has discretion to continue processing under the rules in effect when the proceeding was commenced. DHCR believes it can exercise its discretion appropriately.

Comment: The costs will not be minimal. The Commissioner will need to hire and train additional staff to implement these rules, and compliance with the disclosure and approval processes at the federal and municipal level will involve substantial costs to the housing company.

Response: In balancing the need for regulation against the possibility of undue regulatory burden, DHCR selected this alternative over the more burdensome one of review of every partnership interest, including limited partners, as suggested by one commentator.

Office of Mental Health

NOTICE OF ADOPTION

Requirements Related to Problem and Compulsive Gambling Treatment Programs

I.D. No. OMH-23-08-00006-A

Filing No. 748

Filing date: July 22, 2008

Effective date: Aug. 6, 2008

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

Action taken: Repeal of Part 509 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 7.09 and 32.02

Subject: Requirements related to problem and compulsive gambling treatment programs.

Purpose: Repeal of rule which is no longer applicable to the Office of Mental Health.

Text or summary was published in the notice of proposed rule making, I.D. No. OMH-23-08-00006-P, issue of June 4, 2008.

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

Text of rule and any required statements and analyses may be obtained from: Joyce Donohue, Office of Mental Health, 44 Holland Ave., 8th Fl., Albany, NY 12229, (518) 474-1331, e-mail: cocbjdd@omh.state.ny.us

Assessment of Public Comment

The agency received no comments.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Medical Assistance Payment for Outpatient Programs

I.D. No. OMH-32-08-00001-P

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

Action taken: This is a consensus rule making to amend Part 588 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 7.09 and 43.01

Subject: Medical assistance payment for outpatient programs.

Purpose: To provide increased reimbursement rates & COLAS for certain mental health treatment programs as per the 08-09 State budget.

Text of proposed rule: 1. Paragraph (4) of subdivision (a) of section 588.13 of Title 14 NYCRR is amended to read as follows:

(4) Reimbursement under the medical assistance program for day treatment programs serving children shall be in accordance with the following fee schedule.

(i) For programs operated in Bronx, Kings, New York, Queens and Richmond counties:

Full day	at least 5 hours	[\$76.25]	79.48
Half day	at least 3 hours	[38.13]	39.75
Brief day	at least 1 hour	[25.42]	26.50
Collateral	at least 30 minutes	[25.42]	26.50
Home	at least 30 minutes	[76.25]	79.48
Crisis	at least 30 minutes	[76.25]	79.48
Preadmission- full day	at least 5 hours	[76.25]	79.48
Preadmission- half day	at least 3 hours	[38.13]	39.75

(ii) For programs operated in other than Bronx, Kings, New York, Queens and Richmond counties:

Full day	at least 5 hours	[\$73.71]	76.84
Half day	at least 3 hours	[36.85]	38.41
Brief day	at least 1 hour	[24.53]	25.57
Collateral	at least 30 minutes	[24.53]	25.57
Home	at least 30 minutes	[73.71]	76.84
Crisis	at least 30 minutes	[73.71]	76.84
Preadmission- full day	at least 5 hours	[73.71]	76.84
Preadmission- half day	at least 3 hours	[36.85]	38.41

2. Subdivision (b) of section 588.13 of Title 14 NYCRR is amended to read as follows:

(b) Reimbursement under the medical assistance program for regular, collateral, and crisis visits to all non-State operated partial hospitalization programs licensed pursuant to Article 31 of the Mental Hygiene Law and Part 587 of this Title shall be in accordance with the following fee schedule.

(1) For programs located in Nassau and Suffolk counties, the fee shall be \$[22.66] 23.39 for each service hour.

(2) For programs located in New York City, the fee shall be \$[29.76] 30.71 for each service hour.

(3) For programs located in the counties included in the region of New York State designated by the Office of Mental Health as the Hudson River Region, the fee shall be \$[25.01] 25.81 for each service hour.

(4) For programs located in the counties in the region of New York State designated by the Office of Mental Health as the Central Region, the fee shall be \$[17.15] 17.70 for each service hour.

(5) For programs located in the counties included in the region of New York State designated by the Office of Mental Health as the Western Region, the fee shall be \$[21.26] 21.94 for each service hour.

3. Subdivision (c) of section 588.13 of Title 14 NYCRR is amended to read as follows: (c) Reimbursement under the medical assistance program for on-site and off-site visits for all non-state operated intensive psychiatric rehabilitation treatment programs, licensed pursuant to Article 31 of the Mental Hygiene Law and Part 587 of this Title shall be at \$[24.42] 25.20 for each service hour.

Text of proposed rule and any required statements and analyses may be obtained from: Joyce Donohue, Office of Mental Health, 44 Holland Ave., 8th Fl., Albany, NY 12229, (518) 474-1331, e-mail: cocbjdd@omh.state.ny.us

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

This rulemaking is filed as a Consensus rule on the grounds that its purpose is to implement or conform to non-discretionary statutory provisions. No person is likely to object to this rulemaking since it conforms to Chapter 54 of the Laws of 2008, the enacted State Budget for 2008-09, by providing increased medical assistance reimbursement rates for free-standing Children's Day Treatment Programs and cost of living adjustments (COLA) for the Office of Mental Health's Partial Hospitalization Programs and Intensive Psychiatric Rehabilitation Treatment Programs (IPRT). There are no costs to providers or local governments associated with these amendments. Pursuant to Mental Hygiene Law, these rate increases have been approved by the Director of the Division of the Budget.

The language authorizing the increase to medical assistance payments for free-standing children's day treatment programs appears on page 404 of Chapter 54 of the Laws of 2008. Implementation of the increased medical assistance payments for free-standing children's day treatment programs was budgeted to cost New York State \$300,000 annually, and appropriations for the state share of Medicaid were included on page 404, line 12, of Chapter 54 of the Laws of 2008.

The language authorizing the 2008-09 COLA for Partial Hospitalization and certain other programs appears on pages 391-392 and 402 of Chapter 54 of the Laws of 2008. Implementation of the 2008-09 COLA was budgeted to cost New York State \$102,720 annually, and appropriations for the state share of Medicaid were included on page 393, line 12, of Chapter 54 of the Laws of 2008 and page 403, line 43, of Chapter 54 of the Laws of 2008.

The language authorizing the 2008-09 COLA for IPRT and certain other programs appears on pages 391-392 and 402 of Chapter 54 of the Laws of 2008. Implementation of the 2008-09 COLA was budgeted to cost New York State \$197,046 annually, and appropriations for the state share of Medicaid were included on page 393, line 12, of Chapter 54 of the Laws of 2008 and page 403, line 43, of Chapter 54 of the Laws of 2008.

As the requirements identified above conform to non-discretionary statutory provisions, this rulemaking is non-controversial and is appropriately filed as a Consensus rule. These regulatory amendments will be effective upon their adoption, and the rate increases and COLAs associated with the 2008-09 enacted budget shall be deemed to have been effective on April 1, 2008.

Statutory Authority: Section 7.09 of the Mental Hygiene Law grants the Commissioner of the Office of Mental Health the authority and respon-

sibility to adopt regulations that are necessary and proper to implement matters under his or her jurisdiction.

Section 43.01 of the Mental Hygiene Law gives the Commissioner the authority to set rates for outpatient services at facilities operated by the Office of Mental Health. Section 43.02 of the Mental Hygiene Law provides that payments under the medical assistance program for outpatient services at facilities licensed by the Office of Mental Health shall be at rates certified by the Commissioner of Mental Health and approved by the Director of the Division of Budget.

Job Impact Statement

A Job Impact Statement is not submitted with this notice because it merely provides for increased medical assistance reimbursement rates for free-standing Children's Day Treatment Programs and cost of living adjustments (COLA) for the Office of Mental Health's Partial Hospitalization Programs and Intensive Psychiatric Rehabilitation Treatment Programs (IPRT), consistent with the enacted budget for State Fiscal Year 2008-09. It is evident that there will be no adverse impact on jobs and employment opportunities.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Operation of Outpatient Programs

I.D. No. OMH-32-08-00002-P

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

Action taken: This is a consensus rule making to amend Part 587 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 7.09, 7.15 and 31.04

Subject: Operation of outpatient programs.

Purpose: To increase the number of children's designated specialty clinics in New York City, in accordance with the enacted 2008-09 State Budget.

Text of proposed rule: 1. Subdivision (d) of section 587.5 of Title 14 NYCRR is amended to read as follows:

(d) The county director of community services shall be responsible for identifying specific licensed clinic treatment programs to be designated by the [commissioner] *Commissioner* as interim specialty clinic programs serving children in accordance with the identified need within the county. In making such identification, the county director of community services shall use the following criteria:

(1) All licensed satellites of a recommended provider in the same county shall be included if so designated by the [commissioner] *Commissioner*. New York City is one county for such purposes.

(2) A county with less than one percent of children in New York State, as defined in accordance with section 587.4(a)(4) and (8) of this Part, may have up to two designated providers. If only one licensed clinic is included on the recommended list, the county director of community services may recommend a second licensed clinic without recent Medicaid experience serving children. The Office of Mental Health may approve these recommendations based upon competence of a licensed clinic treatment program to serve such children and[,] upon accessibility to the clinic by such children. Accessibility shall be based upon a geographic area rather than a catchment area of the recommended licensed clinic treatment program.

(3) A county with at least one percent and less than three percent of the projected number of children in New York State, as defined in accordance with section 587.4(a)(4) and (8) of this Part, may recommend up to six licensed clinic treatment programs including all licensed satellites of such recommended providers.

(4) A county with at least three percent and less than eight percent of the children in New York State, as defined in accordance with section 587.4(a)(4) and (8) of this Part, may recommend up to 10 licensed clinic treatment programs.

(5) [A county with eight percent or more of the children in New York State, as defined in accordance with section 587.4(a)(4) and (8) of this Part.] *The City of New York* may recommend up to [15] 85 licensed clinic treatment programs.

(6) New York City may reallocate the total number of licensed clinics of the five boroughs which appear on the recommended list amongst the five boroughs. However, no more than the total number of licensed clinic treatment programs which appear on the list for the five boroughs shall be designated as interim specialty clinic treatment programs serving children.

2. Subdivision (e) of section 587.5 of Title 14 NYCRR is amended to read as follows:

(e) The [commissioner] *Commissioner* shall designate a licensed clinic treatment program to provide interim specialty children's services to children as defined in accordance with section 587.4(a) of this Part. A clinic treatment program so designated shall be authorized to provide, and be reimbursed for providing, clinic treatment services to children notwithstanding the child's enrollment in a Medicaid managed care program. Such a clinic shall be designated as an interim specialty clinic treatment program serving children and shall operate in accordance with section 587.9 of this Part and Part 588 of this Title. An interim specialty clinic treatment program serving children shall be determined to meet at least one of the following criteria:

(1) In a county with less than three percent of the projected population of children in New York State, as defined in section 587.4(a) of this Part, the criteria for inclusion as a designated interim specialty clinic treatment program serving children includes:

(i) any licensed clinic treatment program, including all licensed satellite locations within the county, that had total Medicaid visits by children exceeding 400 visits annually for Federal fiscal year 1992; or

(ii) any one licensed clinic treatment program location which had more than 200 Medicaid visits by children representing more than 75 percent of total Medicaid volume of visits at that location; or

(iii) all licensed clinic treatment programs in a county with two or fewer clinic treatment programs serving children; or

(iv) all county-operated clinic treatment programs serving children.

(2) In a county with three percent or more of the projected population of children in New York State, as defined in section 587.4(a)(4) and (8) of this Part, the criteria for inclusion as a designated interim specialty clinic treatment program serving children includes:

(i) any licensed clinic treatment program, including all licensed satellites within the county *or the City of New York*, which had total Medicaid visits by children exceeding 700 visits annually for Federal fiscal year 1992; or

(ii) any one licensed clinic treatment program location which had more than 300 Medicaid visits by children representing more than 50 percent of total Medicaid volume of visits at that location; or

(iii) all licensed clinic treatment programs primarily serving physically handicapped or non-English speaking children; or

(iv) all county operated clinic treatment programs.

(3) In a county with one percent or more of the projected population of children in New York State, as defined in accordance with section 587.4(a)(4) and (8) of this Part, the [commissioner] *Commissioner* shall not designate a clinic treatment program as an interim specialty clinic treatment program serving children which is not on the list recommended by the county director of community services, even if the list contains less than the maximum number of recommended clinic treatment programs as provided by the county director of community services with the exception of clinic treatment programs primarily serving special populations, including, but not limited to, physically handicapped or non-English speaking children. Such clinic treatment programs may be added to the list of recommended clinic treatment programs. Any additions made to the list of recommended licensed clinic treatment programs shall not increase the total number of programs to be designated as interim specialty clinic treatment programs serving children in a county.

3. Subdivision (b) of section 587.7 of Title 14 NYCRR is amended to read as follows:

(b) A provider of service shall provide a notice of recipients' rights as described in subdivision (a) of this section to each recipient upon admission to an outpatient program. Such notice shall be provided in writing and posted in a conspicuous location easily accessible to the public. The notice shall include the address and telephone number of the Commission on Quality of Care [for the Mentally Disabled] *and Advocacy for Persons with Disabilities*, the nearest regional office of the Protection and Advocacy for Mentally Ill Individuals Program, the nearest chapter of the Alliance [for the Mentally Ill of] *on Mental Illness* of New York State and the Office of Mental Health.

Text of proposed rule and any required statements and analyses may be obtained from: Joyce Donohue, Office of Mental Health, 44 Holland Ave., 8th Fl., Albany, NY 12229, (518) 474-1331, e-mail: cocabjdd@omh.state.ny.us

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

This rulemaking is filed as a Consensus rule on the grounds that its purpose is to implement or conform to non-discretionary statutory provisions. No person is likely to object to this rulemaking since it merely increases the number of children’s designated specialty clinics in the City of New York, in accordance with the enacted 2008-2009 State budget.

Section 587.5 of Title 14 NYCRR defines the criteria for identifying eligible clinics, based on both the size of the population in each county or the City of New York and the number and percentage of children served in each clinic. These formulas and designations were developed to assure that children and families had access to clinics that were experienced in the treatment of children. The original designations were based on 1994 billing data. The formula for New York City limits the number of clinic programs that can be designated to 66 (15 each for the four boroughs and 6 for Staten Island). There are currently 19 additional programs that provide treatment for significant numbers of children and adolescents with serious emotional disturbances. This consensus regulation would allow all clinics licensed to the Health and Hospitals Corporation to be considered as one designated unit, and increases the overall number of clinics that can be designated in New York City, for a total of 19 new designated specialty clinics. This will create the additional capacity needed to designate the remaining clinic treatment programs with significant utilization and promote access to needed specialty care for some of New York City’s most vulnerable young people. As the regulatory amendments identified above conform to non-discretionary statutory provisions, this rulemaking is non-controversial and is appropriately filed as a Consensus rule.

Statutory Authority: Sections 7.09(b), 7.15 and 31.04(a) of the Mental Hygiene Law grant the Commissioner of the Office of Mental Health the power and responsibility to plan, establish and evaluate programs and services for the benefit of persons with mental illness, and to adopt regulations that are necessary and proper to implement matters under his or her jurisdiction.

Job Impact Statement

A Job Impact Statement is not submitted with this notice because it merely increases the number of children’s designated specialty clinics in the City of New York, in accordance with the 2008-09 enacted State budget. There will be no adverse impact on jobs and employment opportunities.

renewed standard license document shall be mailed to the licensee. *Notwithstanding any inconsistent provision of this subdivision, a licensee making application for an enhanced driver license issued pursuant to section 503(2)(f-1) of the Vehicle and Traffic Law may renew more than one year prior to the expiration of their driver license, but in no event earlier than six months from the issuance of the driver license being renewed. The enhanced driver license document shall be mailed to the licensee.*

Text of proposed rule and any required statements and analyses may be obtained from: Carrie L. Stone, Department of Motor Vehicles, Counsel’s Office, Rm. 526, Six Empire State Plaza, Albany, NY 12228, (518) 474-0871

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

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

This action was not under consideration at the time this agency’s regulatory agenda was submitted.

Consensus Rule Making Determination:

The Intelligence Reform and Terrorism Prevention Act of 2004, Public Law 108-458, established several measures to enhance the security of the United States. One proposal was the Western Hemisphere Travel Initiative (WHTI), as set forth by the Department of Homeland Security (DHS) in the June 26, 2007 and April 3, 2008 issues of the Federal Register. A key component of WHTI is the issuance of an enhanced driver’s license (EDL) that will enable US citizens to more easily enter the United States at land and sea crossings.

On October 26, 2007, the Department of Motor Vehicles (DMV) entered into a Memorandum of Agreement with DHS for the issuance of EDL’s. Pursuant to that agreement, DMV intends to begin the issuance of EDLs on September 16, 2008.

DMV currently issues 8-year renewals of driver licenses. DMV’s current practice allows renewals up to 1-year prior to the date of expiration of the license. However, if a licensee applies for an EDL prior to the current “window” for renewal (“off-cycle”), the EDL must be processed as an “amendment” of the current license under Vehicle and Traffic Law, Section 505(4), and a \$30.00 EDL fee will be applied in addition to a \$10.00 amendment fee. There is no provision of law that authorizes a proration of the \$30.00 fee, based upon the remaining validity of the current license. Therefore, at the time of the next renewal, the licensee will have to pay another \$30.00 EDL fee in addition to the standard renewal fees.

The proposed regulation would amend 15 NYCRR Part 3.3(b) to provide that licensees making application for an EDL may opt to renew the license more than one year prior the expiration of their driver license, effectively “re-setting” their 8-year renewal term. By permitting this “off-cycle” renewal, licensees will receive an EDL valid for a full 8 years for the \$30.00 fee and will receive a proration of the license renewal fees based on the number of years left in their current renewal cycle. New Yorkers will be more apt to see the EDL as the travel document of choice if the cost of obtaining one compares favorably with the cost of obtaining alternative documents, such as a passport or PASS card.

The proposed regulation also amends the time to renew a state (i.e., non-EDL) driver license from six months to one year prior to the date of its expiration. This change simply reflects the current DMV policy and procedure regarding renewal of state driver license.

Lastly, the proposed regulation provides that an application for an EDL may not be made until at least six months from the issuance of the current driver license. Credits for time for purposes of calculating fees in license renewal cycles are calculated in 6-month intervals. In order to properly calculate credits for an EDL applicant, at least one 6-month cycle from the beginning of a license period needs to be completed.

This is submitted as a consensus rule as no person is likely to object to the rule as proposed and written.

Job Impact Statement:

A job impact statement is not submitted with this regulation because making a change to the license renewal application period, providing time frames regarding an enhanced driver license application and providing for mailing of an enhanced driver license shall have no impact on job opportunities in New York State.

Department of Motor Vehicles

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

Renewal of Driver’s Licenses and Enhanced Driver’s Licenses

I.D. No. MTV-32-08-00005-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 3.3(b) of Title 15 NYCRR.

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

Subject: Renewal of driver’s licenses and enhanced driver’s licenses.

Purpose: Establishes renewal cycles for driver’s licenses and enhanced driver’s licenses.

Text of proposed rule: Subdivision (b) of section 3.3 is amended to read as follows:

(b) Renewal of a license *and enhanced driver license.* A valid driver license may be renewed if the applicant is qualified for renewal of the license by making application on a form provided for such purpose to a motor vehicle office from [six months] *one year* prior to two years after the date of expiration of the prior license, paying the appropriate fees, passing a vision test and having his or her photo image taken. Thereafter, the

Public Service Commission

NOTICE OF ADOPTION

Water Rates and Charges by Warwick Water Corporation

I.D. No. PSC-42-07-00018-A

Filing date: July 22, 2008

Effective date: July 22, 2008

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

Action taken: On July 16, 2008, the Public Service Commission adopted an order approving Warwick Water Corporation to increase its revenues of \$31,353 or 13.2 percent effective August 1, 2008.

Statutory authority: Public Service Law, sections 4(1), 5(1)(f), 89-c(1) and (10)

Subject: Water rates and charges.

Purpose: To increase Warwick Water Corporation's annual revenues by \$31,353 or 13.2 percent, effective August 1, 2008.

Substance of final rule: The Commission, on July 16, 2008, adopted an order approving Warwick Water Corporation to increase its annual revenues by \$31,353 or 13.2%, effective August 1, 2008, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: Leann Ayer, Public Service Commission, Three Empire State Plaza, Albany, NY 12223, (518) 486-2655, e-mail: leann_ayer@dps.state.ny.us

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.

(07-W-1129SA1)

NOTICE OF ADOPTION

Transfer of a Certain Gas Plant between Seneca Resources Corporation and National Fuel Gas Supply Corporation

I.D. No. PSC-49-07-00009-A

Filing date: July 16, 2008

Effective date: July 16, 2008

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

Action taken: On July 16, 2008, the commission adopted an order approving the petition of Seneca Resources Corporation for the transfer of approximately 15.33 miles of pipeline and facilities in Olean, NY, to National Fuel Gas Supply Corporation (NFGS).

Statutory authority: Public Service Law, section 70

Subject: Transfer of gas facilities to National Fuel Gas Supply Corporation.

Purpose: To approve the transfer of gas facilities to National Fuel Gas Supply Corporation.

Substance of final rule: The Commission, on July 16, 2008, adopted an order approving the petition of Seneca Resources Corporation (Seneca) to transfer approximately 15.33 miles of pipeline and facilities in Olean, New York, to National Fuel Gas Supply Corporation (NFG). NFG will continue to provide gas transportation services for three of Seneca's customers, Dresser-Rand Company, St. Bonaventure University and Indeck-Olean Limited Partnership, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: Leann Ayer, Public Service Commission, Three Empire State Plaza, Albany, NY 12223, (518) 486-2655, e-mail: leann_ayer@dps.state.ny.us

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.

(07-G-0378SA1)

NOTICE OF ADOPTION

Recovery of Costs by Consolidated Edison Company of New York, Inc.

I.D. No. PSC-11-08-00011-A

Filing date: July 18, 2008

Effective date: July 18, 2008

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

Action taken: On July 16, 2008, the Public Service Commission adopted an order, granting in part the petition for rehearing of Consolidated Edison Company of New York, Inc., to recover costs for mechanical and electrical shut-down at the Hudson Avenue Plant.

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

Subject: Recovery of expenses from electric ratepayers.

Purpose: To approve in part the recovery of expenses for plant shut down from electric ratepayers.

Substance of final rule: The Commission, on July 16, 2008, adopted an order, granting in part the petition for rehearing of Consolidated Edison Company of New York, Inc., (the Company) to recover \$360,000 for mechanical and electrical shut-down at the Hudson Avenue Plant from its electric ratepayers through the Company's Monthly Adjustment Clause, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: Leann Ayer, Public Service Commission, Three Empire State Plaza, Albany, NY 12223, (518) 486-2655, e-mail: leann_ayer@dps.state.ny.us

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.

(01-E-0147SA3)

NOTICE OF ADOPTION

Merger between KeySpan Communications Corp. and Light Tower Fiber LLC

I.D. No. PSC-19-08-00007-A

Filing date: July 17, 2008

Effective date: July 17, 2008

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

Action taken: On July 16, 2008, the Public Service Commission adopted an order approving the joint petition of Light Tower Fiber LLC and KeySpan Communications Corp. for the merger of membership interests and related transactions.

Statutory authority: Public Service Law, section 108(1)

Subject: Merger of two companies.

Purpose: To approve merger of Light Tower Fiber LLC and KeySpan Communications Corp.

Substance of final rule: The Commission, on July 16, 2008, adopted an order approving the joint petition of Light Tower Fiber LLC and KeySpan Communications Corp. for the merger and acquisition by Light Tower Fiber LLC of all the membership interests of KeySpan Communications Corp. and various ancillary transactions.

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

Text of rule may be obtained from: Leann Ayer, Public Service Commission, Three Empire State Plaza, Albany, NY 12223, (518) 486-2655, e-mail: leann_ayer@dps.state.ny.us

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.

(08-C-0363SA1)

NOTICE OF ADOPTION

Waiver of and/or Extension of Time to Comply with Certain Requirements of Sections of the Commission's Rules**I.D. No.** PSC-21-08-00004-A**Filing date:** July 18, 2008**Effective date:** July 18, 2008

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

Action taken: On July 16, 2008, the Public Service Commission adopted an order approving the petition of Verizon New York Inc. for limited waivers of certain commission rules in connection with a proposed cable television franchise with the City of New York.

Statutory authority: Public Service Law, sections 216(1) and (5)

Subject: Limited waivers of certain commission rules.

Purpose: To approve limited waivers of certain commission rules in connection with a proposed agreement with the City of New York.

Substance of final rule: The Commission, on July 16, 2008, adopted an order approving the petition of Verizon New York Inc. for limited waivers of Commission rules 895.1(b), 895.1(f), 895.4 and 890.91(b)(1) in connection with a proposed cable television franchise with the City of New York, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: Leann Ayer, Public Service Commission, Three Empire State Plaza, Albany, NY 12223, (518) 486-2655, e-mail: leann_ayer@dps.state.ny.us

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.

(08-V-0497SA1)

NOTICE OF ADOPTION

Implementation of Outage Recommendations**I.D. No.** PSC-22-08-00002-A**Filing date:** July 21, 2008**Effective date:** July 21, 2008

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

Action taken: On July 16, 2008, the Public Service Commission adopted an order denying the petitions for rehearing by the City of New York and the Consumer Protection Board and granted Consolidated Edison Company of New York, Inc.'s request for an extension of its budget modification deadline.

Statutory authority: Public Service Law, sections 4(1), 5(1), 22, 66(1), (2) and (4)

Subject: Implementation of outage recommendations.

Purpose: To deny the petitions for rehearing and grant an extension for budget modifications.

Substance of final rule: The Commission, on July 16, 2008, adopted an order, denying the petitions for rehearing filed by the City of New York and the Consumer Protection Board and granted Consolidated Edison Company of New York, Inc.'s request for an extension of its budget modification deadline, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: Leann Ayer, Public Service Commission, Three Empire State Plaza, Albany, NY 12223, (518) 486-2655, e-mail: leann_ayer@dps.state.ny.us

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.

(06-E-0894SA7)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**Market Supply Charge (MSC)****I.D. No.** PSC-32-08-00008-P

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

Proposed action: A plan filed by Consolidated Edison Company of New York, Inc. regarding revising its market supply charge pursuant to commission order in Case 07-E-0523 issued March 25, 2008.

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

Subject: Market supply charge (MSC).

Purpose: A plan that revises its MSC so that the MSC reflects actual day-ahead market prices.

Substance of proposed rule: The Commission is considering a plan filed by Consolidated Edison Company of New York, Inc. (Con Edison) pursuant to Commission Order issued March 25, 2008 in Case 07-E-0523. In its Order, the Commission directed Con Edison to file a plan revising its Market Supply Charge so that the Market Supply charge reflects actual day-ahead market prices that were in effect during each customer's billing period, identifying specific issues that will need to be resolved and including a proposed implementation schedule along with milestones. The Commission may approve, reject or modify, in whole or in part, Con Edison's proposal.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.state.ny.us/f96dir.htm>. For questions, contact: Leann Ayer, Public Service Commission, 3 Empire State Plaza, Albany, NY 12223-1350, (518) 486-2655, e-mail: leanne_ayer@dps.state.ny.us

Data, views or arguments may be submitted to: Jaclyn A. Brillig, 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.

(07-E-0523SA5)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**The ESCO Referral Program for KEDNY to be Implemented by October 1, 2008****I.D. No.** PSC-32-08-00009-P

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

Proposed action: To approve, reject or modify, in whole or in part, the recommended ESCO referral program for Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York (KEDNY) contained in the June 20, 2008 report filed in Case 06-G-1185.

Statutory authority: Public Service Law, sections 65 and 66

Subject: The ESCO referral program for KEDNY to be implemented by October 1, 2008.

Purpose: To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program.

Substance of proposed rule: By order dated December 21, 2007 in Case 06-G-1185, the Commission directed The Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York (KEDNY) to conduct a collaborative process with Department of Public Service Staff (Staff) and interested parties to discuss implementation of an Energy Service Company (ESCO) referral program in the KEDNY service territory. The December 21 Order deferred decision on whether and to what extent to implement an ESCO referral program in the KEDNY service territory until receiving sufficient information from the collaborative. The Commission directed the KEDNY to report on the results of the collaborative efforts within 90 days after the issuance of the December 21 Order, which was extended to June 22, 2008 at the Company's request. On June 20, 2008, the Company filed the required report for the Commission's approval, rejection or modi-

fication, in whole or in part, of the proposed ESCO referral program for the KEDNY service territory.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.state.ny.us/f96dir.htm>. For questions, contact: Leann Ayer, Public Service Commission, 3 Empire State Plaza, Albany, NY 12223-1350, (518) 486-2655, e-mail: leanne_ayer@dps.state.ny.us

Data, views or arguments may be submitted to: Jaclyn A. Brillling, 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.

(06-G-1185SA7)

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

The Gas Revenue Decoupling Mechanism Report Filed by Consolidated Edison Company of New York, Inc. in Case 06-G-1332

I.D. No. PSC-32-08-00010-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 the revenue decoupling mechanism report filed by Consolidated Edison Company of New York, Inc. in accordance with the order issued in Case 06-G-1332, and all other related matters.

Statutory authority: Public Service Law, sections 65 and 66

Subject: The gas revenue decoupling mechanism report filed by Consolidated Edison Company of New York, Inc. in Case 06-G-1332.

Purpose: To develop recommendations for a gas revenue decoupling mechanism.

Substance of proposed rule: On September 25, 2007, the Public Service Commission (Commission) issued an Order in Case 06-G-1332 which established new delivery rates for Consolidated Edison Company of New York, Inc. (Con Edison). In that Order, Con Edison was charged with convening a gas Revenue Decoupling Mechanism (RDM) collaborative, no later than November 1, 2007, to recommend a RDM for rate years two and three. The RDM collaborative was to be chaired by Con Edison and was charged with evaluating whether a RDM that relied upon rate year billing determinants was reasonable and workable, without precluding the evaluation of other alternatives, including the continuation of the RDM mechanism implemented for rate year one, with or without modifications. Ultimately, Con Edison was to prepare a report to be filed with the Commission on or about April 15, 2008.

Con Edison filed the RDM collaborative report on June 19, 2008. The Commission is considering whether to approve, modify or reject, in whole or in part, the filing made by Con Edison.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.state.ny.us/f96dir.htm>. For questions, contact: Leann Ayer, Public Service Commission, 3 Empire State Plaza, Albany, NY 12223-1350, (518) 486-2655, e-mail: leanne_ayer@dps.state.ny.us

Data, views or arguments may be submitted to: Jaclyn A. Brillling, 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.

(06-G-1332SA3)

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

Waiver of P.S.C. No. 3—Steam, P.S.C. No. 9—Gas and 16 NYCRR Part 13

I.D. No. PSC-32-08-00011-P

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

Proposed action: Waiver of P.S.C. No. 3- Steam, P.S.C. 9- Gas and 16 NYCRR Part 13 to permit credits to certain steam and gas customers.

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

Subject: Waiver of P.S.C. No. 3—Steam, P.S.C. No. 9—Gas and 16 NYCRR Part 13.

Purpose: To permit credits to certain steam and gas customers who were unable to access their premises during the July 2008 steam rupture.

Substance of proposed rule: The Commission is considering whether to approve, modify or reject, in whole or in part, a petition filed by Consolidated Edison Company of New York, Inc. (Con Edison) for a waiver of any or all provisions of the rate schedules (P.S.C. No. 3 - Steam and P.S.C. No. 9 - Gas) and the Commission rules and regulations in 16 NYCRR Part 13, as may be necessary to permit Con Edison to provide credits to certain steam and gas customers who were unable to access their premises during the July 2008 steam pipe rupture incident.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.state.ny.us/f96dir.htm>. For questions, contact: Leann Ayer, Public Service Commission, 3 Empire State Plaza, Albany, NY 12223-1350, (518) 486-2655, e-mail: leanne_ayer@dps.state.ny.us

Data, views or arguments may be submitted to: Jaclyn A. Brillling, 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.

(08-S-0153SA2)

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

Policies and Procedures Regarding Safety and Reliability

I.D. No. PSC-32-08-00012-P

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

Proposed action: The commission is considering Verizon New York Inc.'s Network Review Plan regarding the proper grounding and bonding of its optical network terminals.

Statutory authority: Public Service Law, sections 215(1) and 216(1)

Subject: Policies and procedures regarding safety and reliability.

Purpose: To establish policies and procedures regarding the safety and reliability of Verizon's optical network terminals.

Substance of proposed rule: The New York State Public Service Commission is considering whether to approve, modify, or reject, in whole or in part, Verizon New York Inc.'s Network Review Plan regarding the proper grounding and bonding of its optical network terminals.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.state.ny.us/f96dir.htm>. For questions, contact: Leann Ayer, Public Service Commission, 3 Empire State Plaza, Albany, NY 12223-1350, (518) 486-2655, e-mail: leanne_ayer@dps.state.ny.us

Data, views or arguments may be submitted to: Jaclyn A. Brillling, 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. (08-V-0835SA1)

Department of State

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Installation, Servicing or Maintaining of Security or Fire Alarm Systems

I.D. No. DOS-32-08-00006-P

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

Proposed Action: Amendment of sections 196.1, 196.2, 196.8 and 196.10 of Title 19 NYCRR.

Statutory authority: General Business Law, section 69-n

Subject: Installation, servicing or maintaining of security or fire alarm systems.

Purpose: To add an additional qualifying education module for licensure under Article 6-D of the General Business Law.

Text of proposed rule: Section 196.1 is amended to read as follows:

Section 196.1 Basic course requirements

Individuals desiring to satisfy the education requirements to become licensed security or fire alarm system installers must satisfactorily complete [four] *five* courses prescribed by section 196.8 of this Part identified as: Module 1, Module 2, Module 3 [and], Module 4 *and* Module 5. [Each module] *Module 1, Module 2, Module 3 and Module 4* will consist of a program of 15 classroom hours. *Module 5 will consist of a program of 21 classroom hours.*

Section 196.2 is amended to read as follows:

Section 196.2 Equivalency-prelicensing education

The criteria for determining acceptance of courses completed prior to January 1, 1993 shall be that the course or courses have substantially covered the same subject matter, classroom hours of attendance and completed standards as prescribed by the regulations as a prerequisite of licensing. Applications for past course evaluation shall be accompanied by an official transcript or other documentation showing the subjects taken and hours of instruction devoted to each subject and the hours attended by said applicant together with the date completed. The department may request additional supportive documentation to determine course equivalency. Equivalency credit will be granted in 15 hour segments *for courses deemed by the department as equivalent to Module 1, Module 2, Module 3 and Module 4. Equivalency credit will be granted in 21 hour segments for courses deemed by the department as equivalent to Module 5.* If an applicant receives partial credit towards the [60] 81 hour education requirement, the applicant may choose any of the [four] five approved modules to complete the requirement.

Section 196.8 is amended to read as follows:

Section 196.8 Security or fire alarm system installer courses

(a) The education qualifications for New York State security or fire alarm systems installer license requires the completion of the following courses of study:

Module 1 Installations: Standards, Codes and Techniques

Module 2 Control Panels and Alarm Transmissions

Module 3 Security Systems

Module 4 Fire Technology

Module 5 Service and Maintenance of Alarm Systems

(b) The following are required subjects to be included in the courses of study and the required number of hours to be devoted to each subject

MODULE #1 INSTALLATIONS: STANDARDS, CODES AND TECHNIQUES

Subject Matter	Time
I. STANDARDS AND CODES	1 HOUR
II. NATIONAL ELECTRICAL CODE, (NEC)-NFPA	4 HOURS

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III. BASIC ELECTRICITY	10 HOURS
TOTAL	15 HOURS

Final Examination

MODULE #2 CONTROL, PANELS AND ALARM TRANSMISSION

Subject Matter	Time
I. CONTROL DEVICES	6 HOURS
II. JOB PLANNING AND RECORDKEEPING	1 HOUR
III. ALARM TRANSMISSIONS	8 HOURS
TOTAL	15 HOURS

Final Examination

MODULE #3 SECURITY SYSTEMS

Subject Matter	Time
I. HISTORY OF ALARM SYSTEMS--LICENSE LAW	.5 HOUR
II. MOTION DETECTION	8 HOURS
III. PERIMETER SYSTEMS	2.5 HOURS
IV. SPECIALTY SYSTEMS	.5 HOUR
V. CCTV SYSTEMS	1 HOUR
VI. ACCESS CONTROL	1.75 HOURS
VII. FALSE ALARM PREVENTION	.75 HOUR
TOTAL	15 HOURS

Final Examination

MODULE #4 FIRE TECHNOLOGY

Subject Matter	Time
I. FIRE DETECTION AND DETECTOR APPLICATION	1 HOUR
II. FIRE ALARM SYSTEMS	13.5 HOURS
III. JOB SAFETY	.5 HOUR
TOTAL	15 HOURS

Final Examination

MODULE #5 SERVICE AND MAINTENANCE OF ALARM SYSTEMS

Subject Matter	Time
I. OVERVIEW AND PROFESSIONAL CONDUCT	1 HOUR
II. TESTING AND TROUBLESHOOTING	7 HOURS
III. PANELS, ALARM DEVICES AND COMMUNICATIONS	9 HOURS
IV. SPECIALTY ITEMS	1 HOUR
V. MAINTENANCE, INSPECTION AND FALSE ALARM REPORTING	3 HOURS
TOTAL	21 HOURS

Final Examination

Section 196.10 is amended to read as follows:

Section 196.10 Attendance

To satisfactorily complete any course offered for study [,] *for the completion of Module 1, Module 2, Module 3 or Module 4*, a person must physically attend 12 hours of each 15 hour course offering, exclusive of sessions devoted to examinations. *To satisfactorily complete any course offered for study for the completion of Module 5, a person must physically attend 18 hours of each 21 hour course offering, exclusive of sessions devoted to examinations.* Final examinations may not be presented to any students who have not completed the attendance requirements. Attendance records for all students enrolled in approved courses must be retained for a minimum of two years from the date such courses were completed.

Text of proposed rule and any required statements and analyses may be obtained from: Whitney A. Clark, Esq., Department of State, Division of Licensing Services, 80 S. Swan St., P.O. Box 22001, Albany, NY 12231-0001, (518) 473-2728, e-mail: whitney.clark@dos.state.ny.us

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

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

This action was not under consideration at the time this agency's Regulatory Agenda was submitted for publication in the Register.

Regulatory Impact Statement

1. Statutory authority:

General Business Law, section 69-n provides specific authority to the Secretary of State to promulgate regulations to accomplish the purposes of Article 6-D of the General Business Law. Said section also permits the Department of State to examine into the qualifications of applicants for licenses under Article 6-D. Consistent with this authority, section 69-o of the statute, requires license applicants to provide the Department of State with evidence of education that is satisfactory to the Department of State.

The proposed rule making is advanced in accordance with this authority and consistent with the purpose of Article 6-D, to provide improved safeguards for the customers of security and fire alarm system installers.

2. Legislative objectives:

General Business Law Article 6-D requires the Department of State to license and regulate the Business of Installing, Servicing or Maintaining Security of Fire Alarm Systems. License applicants are required to provide the Department of State with proof of having completed satisfactory education. To further the legislative intent that licensees receive adequate education, and to provide prospective licensees with guidance in the form of set educational requirements, the Department of State adopted regulations found at 19 NYCRR 196.8. These regulations were promulgated in response to the statute, as originally enacted. At the time of its initial enactment, the statute only encompassed the installation of alarm systems. The following year, it was amended to include service and maintaining of alarm systems (L 1993, chap. 575). Accordingly, the existing pre-license educational requirement only covers the entry level knowledge required for installation of alarm systems.

As a result of the statutory amendment which added the service and maintenance of alarm systems, the New York State Advisory Committee for the Business of Installing, Servicing or Maintaining of Security or Fire Alarm Systems has developed the proposed additional qualifying education module to ensure that prospective licensees received education in the service and maintenance of alarm systems.

3. Needs and benefits:

Without ensuring that licensees have received training in the proper servicing or maintaining of alarm systems, the integrity of the alarm systems is jeopardized thereby creating an unnecessary safety risk to consumers and the public. Additionally, the improper service or maintenance of alarm systems increases the occurrence of false alarms. Police and fire departments are required to respond to these alarms thereby unnecessarily diverting available resources.

The lack of educational requirements for the service and maintenance of alarm systems is a loop-hole that endangers the health, safety and welfare of the public. The proposed rule making seeks to close this loop-hole by adding an additional pre-license education module in the service and maintenance of alarm systems. This will ensure that licensees have received training in all aspects of the services regulated by Article 6-D; the proper installation, service and maintenance of alarm systems.

4. Costs:

a. Costs to regulated parties:

Regulated parties include those who engage in the practice of installing, maintaining or servicing fire or security alarm systems. The rule does not impose any new requirements on current licensees. Only those applying for initial licensees after the implementation of the rule will be effected. Insofar as prospective licensees are already required to satisfactorily complete a course of education prior to obtaining a license, expanding this education by one additional module should not lead to substantial costs to regulated parties for the implementation of and continuing compliance with the rule.

Currently, the Department of State has three approved education providers, two of which offer the existing four education modules for a total cost of \$900, including the cost of a textbook. The existing four education modules consist of sixty hours of education. Therefore, it is estimated that the existing education costs approximately \$15 per hour of education. The additional education module proposed by this rule making, if adopted, will result in prospective licensees having to complete an additional 21 hours of qualifying education for an estimated cost of \$315.00.

The three approved education providers currently have locations in representative geographic areas throughout the State. It is anticipated that the existing course providers will offer the proposed fifth education module, and that said education will be available to prospective licensees throughout the State.

b. Costs to the Department of State:

The rule does not impose any costs to local government for the implementation and continuation of the rule. The Department of State anticipates that existing resources will be sufficient to implement the rule making, at no additional cost to the State.

5. Local government mandates:

The rule does not impose any program, service, duty or responsibility upon any county, city, town, village, school district or other special district.

6. Paperwork:

The rule does not impose any new paperwork requirements. Insofar as prospective licensees are already required to satisfactorily complete a

course of education prior to obtaining a license, expanding this education by one additional module will not lead to any new paperwork requirements.

7. Duplication:

This rule does not duplicate, overlap or conflict with any other state or federal requirement.

8. Alternatives:

Prior to proposing the proposed rule, the Department of State contacted licensees for their comment. Comments were received and considered. Some commented that the proposed educational module is not necessary because the licensing process is already lengthy and time consuming. The Department considered not proposing the rule making in response to these and other similar comments but, after consulting with the New York State Advisory Committee for the Business of Installing, Servicing or Maintaining of Security or Fire Alarm Systems determined that the additional educational module is necessary insofar as the existing education does not address the service and maintenance of alarm systems.

Other comments argued that an additional educational module would make it more difficult for prospective licensees to comply with the statute. In considering this comment, the Department of State again contemplated not advancing the proposed rule. It was determined, however, that requiring education in the service and maintenance of alarm systems would make it easier for licensees to comply with the law insofar as they would receive education in the statutory provisions pertaining to service and maintenance of systems.

Other comments proposed increased enforcement against licensed companies with high rates of false alarms, which are caused, in part, to a lack of proper service and maintenance of alarm systems. The Department of State entertained this proposal but determined that it would be more reasonable to ensure adequate education in proper service and maintenance so as to prevent problems such as false alarms.

9. Federal standards:

There are no federal standards regulating the business of installing, maintaining or servicing fire or security alarm systems. Consequently, this rule does not exceed any existing federal standard.

10. Compliance schedule:

The proposed rule will only impact prospective licensees. Those currently holding licenses will not be required to complete the additional education module. Those persons applying for a license can comply with the amended regulations immediately upon adoption.

Regulatory Flexibility Analysis

1. Effect of rule:

The rule will apply to those applying for an initial license to install, maintain or service security or fire alarm systems. Some of these licensees will work for small businesses. Only these prospective licensees will be effected by the proposed rule and will be required to satisfactorily complete the existing four education modules, plus the proposed fifth module. Those currently holding licenses will not be required to take the additional pre-license education module. Because the rule will only apply to prospective licensees, the Department of State does not have a practical way of estimating how many prospective licensees will be affected by the proposed rule.

The rule does not apply to local governments.

2. Compliance requirements:

The rule does not impose any new reporting or record keeping requirements on licensees. Prospective licensees are already required to satisfactorily complete a course of pre-license education. The rule merely expands the existing educational requirements from four modules to five.

The rule does not impose any compliance requirements on local governments.

3. Professional services:

Prospective licensee will need to attend courses offered through approved educational providers in order to comply with the rule.

The rule does not impose any compliance requirements on local governments.

4. Compliance costs:

Currently, the Department of State has three approved education providers, two of which offer the existing four education modules for a total cost of \$900, including the cost of a textbook. The existing four education modules consist of sixty hours of education. Therefore, it is estimated that the existing education costs approximately \$15 per hour of education. The additional education module proposed by this rule making, if adopted, will result in prospective licensees having to complete an additional 21 hours of qualifying education for an estimated cost of \$315.00.

The three approved education providers currently have locations in representative geographic areas throughout the State. It is anticipated that the existing course providers will offer the proposed fifth education module, and that said education will be available to prospective licensees throughout the State.

The rule does not impose any compliance costs on local governments.

5. Economic and technological feasibility:

It is anticipated that approved education providers will offer the proposed fifth education module. These providers currently offer the existing four modules of education. It is expected that these providers will administer and implement the proposed module using existing technology and that it will be technologically feasible for providers to comply with the rule.

It is also expected that prospective licensees will be able to economically comply with the rule. The projected cost of taking the fifth education module is \$315.00.

6. Minimizing adverse economic impact:

The Department of State strived to balance the cost of the new education with the need to amend the existing qualifying education to include all services which alarm licensees may offer. In developing the rule, the Department of State made only those changes it deemed necessary to protect public health, safety and welfare by ensuring the alarm licensees are adequately educated.

7. Small business participation:

Prior to proposing the rule, the Department mailed a copy of the proposed fifth module to all existing licensees and schools and solicited public comment. These comments were reviewed and discussed at a public meeting of the NYS Alarm Advisory Committee. This meeting included a public comment period. In addition, the Notice of Proposed Rule Making will be published by the Department of State in the State Register. Small businesses who provide pre-license education have already been provided with notice of the rule and have been afforded an opportunity to comment on the proposal. The publication of the rule in the State Register will provide notice to local governments and additional notice to small businesses of the proposed rule making. Additional comments will be received and entertained.

Rural Area Flexibility Analysis

1. Need for a Rural Area Flexibility Analysis

The proposed rule will impose reporting, record-keeping and other compliance requirements on private entities in rural areas. It is not anticipated that these requirements will impose an adverse economic impact on these entities. These, and other entities throughout the State.

2. Types of Public and Private Entities in Rural Areas

While the proposed rule will primarily affect prospective licensees, it will also indirectly impact education providers who offer the additional education module proposed by this rule. The Department of State currently has three approved education providers which offer courses in the following counties: Albany, Dutchess, Erie, Genesee, Monroe, Nassau, Onondaga, Ontario, Suffolk, Westchester and New York. Most of these geographic areas are comprised, in part, of rural areas.

3. Compliance Requirements

Education providers are required to comply with Part 196 of Title 19 NYCRR. In relevant part, the regulations require education providers to register courses for approval with the Department of State in accordance with 19 NYCRR 196.3 and 196.7. Among the material which must be submitted with an application are a detailed course outline, final examination and answer key and the books to be used in the course. Education providers will also have to comply with the other requirements of Part 196 by, in part, computing instruction time, maintaining records of attendance, administering examinations, issuing certificates of satisfactory completion and maintaining examination papers for a period of two years.

4. Professional Services

It is anticipated that education providers will administer the requirements imposed by this rule with existing, internal staff. It is not expected that providers will have to rely on professional services to comply with the rule.

5. Costs

It is expected that the costs of implementing this rule will be minimal. It is anticipated that the education providers who have already been approved to offer the existing four education modules will obtain approval to offer the proposed fifth module. As a result, it is expected that education providers will absorb implementation costs with existing staff. It is also anticipated that providers will recoup any such costs by charging students to take the additional module. Currently, the Department of State has three approved education providers, two of which offer the existing four education modules for a total cost of \$900, including the cost of a textbook. The

existing four education modules consist of sixty hours of education. Therefore, it is estimated that the existing education costs approximately \$15 per hour of education. The additional education module proposed by this rule making, if adopted, will result in prospective licensees having to complete an additional 21 hours of qualifying education for an estimated cost of \$315.00.

6. Minimizing Adverse Impact

After soliciting public comments from licensees, the Department of State considered not proposing the rule making. However, after consulting with the New York State Advisory Committee for the Business of Installing, Servicing or Maintaining of Security or Fire Alarm Systems determined that the additional educational module is necessary insofar as the existing education does not address the service and maintenance of alarm systems. Education providers, however, are not required to offer all five education modules. Those providers who deem the impacts of offering a fifth module too adverse, will have the option of not offering the proposed module.

7. Involvement of Regulated Parties

Prior to proposing the proposed rule, the Department of State contacted licensees for their comment. Comments were received and considered. Some commented that the proposed educational module is not necessary because the licensing process is already lengthy and time consuming. Other comments argued that an additional educational module would make it more difficult for prospective licensees to comply with the statute. In considering this comment, the Department of State again contemplated not advancing the proposed rule. It was determined, however, that requiring education in the service and maintenance of alarm systems would make it easier for licensees to comply with the law insofar as they would receive education in the statutory provisions pertaining to service and maintenance of systems.

Other comments proposed increased enforcement against licensed companies with high rates of false alarms, which are caused, in part, to a lack of proper service and maintenance of alarm systems. The Department of State entertained this proposal but determined that it would be more reasonable to ensure adequate education in proper service and maintenance so as to prevent problems such as false alarms.

Job Impact Statement

A job impact statement is not required because this rule will not have any substantial impact on jobs or employment opportunities for licensed alarm installers.

19 NYCRR Part 196 already requires prospective licensees to complete a course of education. The rule amends the agency's existing regulations to add an additional module to the already existing educational requirements. Insofar as potential licensees are already required to complete a course of study prior to obtaining a license, adding an additional education module will not have any foreseeable impact on jobs or employment opportunities for alarm installers.

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

Cease and Desist Zone for the County of Kings

I.D. No. DOS-32-08-00007-P

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

Proposed Action: Amendment of section 175.17(c)(2) of Title 19 NYCRR.

Statutory authority: Real Property Law, section 442-h

Subject: Cease and desist zone for the County of Kings.

Purpose: To extend and expand an existing cease and desist zone for the County of Kings.

Text of proposed rule: An Amendment to 19 NYCRR Part 175.17(c)(2) is adopted to read as follows:

(c)(2) The following geographic areas are designated as cease-and-desist zones, and, unless sooner redesignated, the designation for the following cease-and-desist zones shall expire on the following dates:

Zone	Expiration Date
County of Bronx	August 1, 2009

Within the County of Bronx as follows:

All that area of land in the County of Bronx, City of New York, otherwise known as Community Districts 9, 10, 11 and 12, and bounded and described as follows: Beginning at a point at the intersection of Bronx County and Westchester County boundary and Long Island Sound; thence

southerly along Long Island Sound while including City Island to East River; thence westerly and northwesterly along East River to Bronx River; thence northwesterly and northerly along Bronx River to Sheridan Expressway; thence northeasterly along Sheridan Expressway to Cross Bronx Expressway; thence southeasterly and easterly along Cross Bronx Expressway to Bronx River Parkway; thence northerly and northeasterly along Bronx River Parkway to East 233rd Street; thence westerly along East 233rd Street to Van Cortlandt Park East; thence northerly along Van Cortlandt Park East to the boundary of Westchester County and Bronx County; thence easterly along the boundary of Westchester County and Bronx County to Long Island Sound and the point of beginning.

Zone	Expiration Date
County of Queens	August 1, 2009
Cease and Desist Zone (Mill Basin/Brooklyn)	

Zone	Expiration Date
County of Kings (Brooklyn)	November 30, [2007]2012

Within the County of Kings as follows:

All that area of land in the County of Kings, City of New York, otherwise known as the communities of Mill Basin, Mill Island, Bergen Beach, Futurama, [and] Marine Park *and Madison Marine*, bounded and described as follows: Beginning at a point at the intersection of Flatlands Avenue and the northern prolongation of Paerdegat Basin, thence southwesterly along Flatlands Avenue to Avenue N; thence westerly along Avenue N to Nostrand Avenue; thence southerly along Nostrand Avenue to [Gerritsen Avenue] *Kings Highway*; thence [southeasterly along Gerritsen Avenue and the southern prolongation of Gerritsen Avenue] *southwesterly along Kings Highway to Ocean Avenue; thence southerly along Ocean Avenue to Shore Parkway*; thence northeasterly, *southeasterly*, northerly, northeasterly and northerly along Shore Parkway to Paerdegat Basin; thence northwesterly along Paerdegat Basin and the northern prolongation of Paerdegat Basin; *thence northwesterly along Paerdegat Basin and northern prolongation of Paerdegat Basin* to Flatlands Avenue and the point of beginning.

Cease and Desist Zone
(Canarsie)

Zone	Expiration Date
County of Kings (Brooklyn)	May 31, 2008

Within the County of Kings as follows:

All that area of land in the County of Kings, City of New York, bounded and described as follows:

Beginning at a point at the intersection of Ralph Avenue and the Long Island Railroad right-of-way (between Chase Court and Ditmas Avenue); thence northeasterly along the Long Island Railroad right-of-way to the northern prolongation of Bank Street; thence southeasterly along Bank Street to a point at the intersection of Bank Street and Foster Avenue; thence northeasterly continuing to a point at the intersection of Stanley Street and East 108th Street; thence southeasterly along East 108th Street to Flatlands Avenue; thence northeasterly along Flatlands Avenue to the northern prolongation of Fresh Creek Basin; thence southeasterly along Fresh Creek Basin to Shore (Belt) Parkway; thence southwesterly along Shore (Belt) Parkway to Paerdegat Basin; thence northwesterly along Paerdegat Basin, and the northern prolongation of Paerdegat Basin to Flatlands Avenue; thence southwesterly along Flatlands Avenue to Ralph Avenue; thence northwesterly along Ralph Avenue to the Long Island Railroad right-of-way and the point of beginning.

Text of proposed rule and any required statements and analyses may be obtained from: Whitney A. Clark, Esq., Department of State, Division of Licensing Services, Alfred E. Smith State Office Bldg., 80 S. Swan St., P.O. Box 22001, Albany, NY 12231-0001, (518) 473-2728, e-mail: whitney.clark@dos.state.ny.us

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

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

This action was not under consideration at the time this agency's Regulatory Agenda was submitted for publication in the Register.

Regulatory Impact Statement

1. Statutory authority:

Real Property Law (RPL) section 442-h(3)(a) permits the Department of State (DOS) to adopt a rule establishing a cease and desist zone for a

defined geographic area if it is determined that some owners of residential real property within the defined area are subject to intense and repeated solicitation by real estate brokers and salespersons to place their property for sale with such real estate broker or salesperson. RPL section 442-h(3)(c) provides that a cease and desist zone shall be effective for a maximum of five years, after which the Secretary of State may re-adopt the rule to continue the cease and desist zone for additional periods not to exceed five years each. Based on testimony received at a public hearing on September 6, 2007, the Secretary has determined that some homeowners residing in the proposed cease and desist zone in Brooklyn are subject to intense and repeated solicitation. Accordingly, DOS has express authority to adopt this rule, which extends and expands an existing cease and desist zone in several Brooklyn communities.

2. Legislative objectives:

In enacting RPL section 442-h, the Legislature highlighted the problems faced by some residents from intense and repeated solicitation to list their homes for sale. Recognizing that not all homeowners who are the subject of this solicitation are desirous of being solicited, the Legislature authorized the Secretary to determine if a cease and desist zone should be established. Upon the establishment of such a zone, a homeowner may file with the Secretary a statement of desire not to be solicited. Thereafter, the Secretary will publish a list of the names and addresses of the persons who have filed the statement, and brokers and salespersons are then prohibited from soliciting persons on that list. That list is commonly referred to as a "cease and desist list."

Thus, RPL section 442-h was designed to protect the public. This rule re-enforces the objectives of the Legislature when it enacted RPL section 442-h by extending and expanding a cease and desist zone for an area that has demonstrated that some residents are the subject of intense and repeated solicitation. The current cease and desist order will be extended for an additional five years, and will be due to expire on November 30, 2012.

3. Needs and benefits:

DOS held a public hearing on September 6, 2007 at Junior High School 78 in Brooklyn, NY to determine whether to extend the cease and desist order that expired on November 30, 2007. The defined cease and desist zone would be the Mill Basin area of Brooklyn, which includes the communities of Mill Basin, Mill Island, Bergen Beach, Futurama, Marine Park and Madison Marine. At the public hearing, testimony was taken and evidence submitted to demonstrate that some residents within the proposed geographic area are subject to intense and repeated solicitation to list their homes for sale. The speakers included elected officials, local representatives and homeowners within the existing and proposed cease and desist zone. The speakers spoke primarily in support of the proposed cease and desist zone, citing the need to curb the aggressive solicitation practices of real estate agents in the affected communities. The speakers cited frequent mailings, unwanted flyers, as well as door-to-door solicitation as intrusive and unwanted solicitation practices by real estate brokers and salespersons. DOS held the record open after the public hearing to afford others the opportunity to submit written testimony and proof of undesired solicitation. The additional material provided to DOS was consistent with that obtained during the public hearing.

As of July 2007, DOS had received 1,314 homeowners' statements from the Mill Basin area. The widespread resident support evidenced by the number of homeowner statement filings, coupled with the testimony and evidence submitted to DOS as part of the public hearing, amply demonstrate that some residents within the proposed geographic area are the subject of intense and repeated solicitation to list their homes for sale. This rule making will benefit residents of the defined area by providing a mechanism for them to notify DOS that they do not wish to be solicited.

4. Costs:

a. Costs to regulated parties:

The costs to real estate brokers and salespersons are minimal. DOS licenses approximately 11,926 real estate licensees in Brooklyn. DOS maintains copies of the cease and desist lists on its website. This list is available for all to view, at no cost. Additionally, DOS will mail a copy of the list to any person desiring a copy for the minimal cost of \$10.00.

b. Costs to the Department of State:

DOS anticipates that the cost and implementation of this rule will be minimal, and administration of this rule will be accomplished using existing resources. The estimated costs are as follows:

- Printing owners statements \$2,200
- Mailing owners statements \$640
- Processing statements:
- Staff: SG-13: \$37,072
- SG-23: \$58,406

10 weeks: \$7,129-\$11,231

Data entry:

Staff: SG-6: \$25,146

SG-9: \$29,595

SG-13: \$37,072

10 days: \$688-\$1,015

The costs for printing and mailing the cease and desist list are unknown. DOS anticipates that most licensees will access the list, at no cost, on its website. For those few who want to purchase a paper copy, DOS will likely print a copy, on an order-by-order basis, on existing equipment. The mailing costs will be dependent on the number of copies that are ordered. However, DOS expects that the costs for printing and mailing will be incidental to the costs of preparing the list.

DOS expects that revenues from the sale of the list will be incidental to the costs of preparing, printing and mailing.

c. Costs to State and local governments:

The rule does not otherwise impose any implementation or compliance costs on the State or local governments.

5. Local government mandates:

The rule does not impose any program, service, duty or other responsibility on local governments.

6. Paperwork:

Homeowners who do not want to be solicited will have to file an 'owner's statement' with DOS. The owner's statement will indicate the owner's desire not to be solicited and will set forth the owner's name and the address of the property within the cease and desist zone. DOS will provide homeowners with a standard form, although use of the form is not mandatory. Owner's statements will be provided to community leaders for distribution to their constituents. In addition, owner's statements will be available from DOS on request, as well as being available on its website. DOS will prepare a cease and desist list containing the names and addresses of all of the homeowners who filed an owner's statement. The list will be available, at no cost, on its website. The list will also be sold to the public, including real estate brokers and salespersons. The price will be \$10 per copy. Besides any request for cease and desist lists that they submit by mail, real estate brokers and salespersons will not have to complete any paperwork or file any paperwork as a result of this rule.

7. Duplication:

This rule extends an existing cease and desist zone that was due to expire on November 30, 2007. It does not otherwise duplicate, overlap or conflict with any other state or federal requirement.

8. Alternatives:

DOS did not identify any alternative that would provide relief for homeowners and, at the same time, be less restrictive and less burdensome on the solicitation activities of real estate brokers and salespersons. Consideration was given to the adoption of a non-solicitation order pursuant to RPL section 442-h(2)(a). However, DOS concluded that a cease and desist order could provide homeowners with relief from intense and repeated solicitation without imposing the more restrictive and burdensome regulation of a non-solicitation order, which would prohibit all direct solicitation activities within the non-solicitation zone.

DOS also considered allowing the prior cease and desist order to expire in November 2007, and/or to not expand the prior cease and desist zone. It was determined, however, that allowing the order to expire, and/or failing to expand the prior zone, would have resulted in homeowners in the affected areas continuing to be subject to unwanted intense and repeated solicitation to sell their homes.

DOS did not consider any other alternatives.

9. Federal standards:

There are no federal standards addressing the subject of this rule making.

10. Compliance schedule:

Real estate licensees currently are required to comply with 19 NYCRR Part 175.17(c)(2). The original cease and desist zone contained in that part and addressed in this rule making expired on November 30, 2007, and had been in place for five years. DOS has extended this cease and desist zone by means of two 90-day emergency rule makings - the first took effect on November 26, 2007, and the second has been effective since February 25, 2008. Therefore, regulated parties currently are complying with the requirements proposed in this rule making.

Regulatory Flexibility Analysis

1. Effect of rule:

This rule would extend and expand an existing cease and desist zone, and thereby would prohibit real estate brokers and salespersons from soliciting any resident within that zone that does not wish to be solicited.

The defined cease and desist zone would be the Mill Basin area of Brooklyn, New York, which includes the communities of Mill Basin, Mill Island, Bergen Beach, Futurama, Marine Park and Madison Marine. This rule will apply to most of the 11,926 real estate brokers and salespeople that have offices in Brooklyn, and many of these licensees in turn are small businesses, or are associated with small businesses. Real estate brokers and salespersons will remain free, however, to solicit listings from other residents in the defined zone and to participate in regulated transactions within the zone. Insofar as the rule making seeks to extend and expand an existing cease and desist zone, it is not anticipated that the solicitation limitations will place an undue financial burden or impose a hardship on real estate brokers and salespersons.

The rule does not apply to local governments.

2. Compliance requirements:

The Department of State (DOS) publishes and makes available a list of residents within cease and desist zones who have notified the Department that they do not wish to be solicited by real estate brokers and salespersons. These lists are made available to real estate brokers and salespersons. To comply with the rule, these licensees need only refer to the list prior to soliciting listings from homeowners within the defined cease and desist zone.

3. Professional services:

Small businesses will not need professional services in order to comply with this rule.

4. Compliance costs:

Licensees will not incur any significant compliance costs associated with this rule. DOS publishes a free list of all cease and desist lists on its website at no cost. Licensees who desire a hard copy of the lists may notify DOS and receive a copy of the list by mail for a cost of \$10.00.

5. Economic and technological feasibility:

Small businesses will not incur any additional costs or require technical expertise as a result of the implementation of this rule.

6. Minimizing adverse economic impact:

DOS did not identify any alternative that would provide relief for homeowners and, at the same time, be less restrictive and less burdensome on the solicitation activities of real estate brokers and salespersons. Consideration was given to the adoption of a non-solicitation order pursuant to section 442-h(2)(a) of the Real Property Law. However, DOS concluded that a cease and desist order could provide homeowners with relief from intense and repeated solicitation without imposing the more restrictive and more burdensome regulation of a non-solicitation order, which would prohibit all direct solicitation activities within the non-solicitation zone. Consequently, in order to minimize the adverse economic impact of this rule, the Secretary of State decided to adopt the cease and desist order rather than a non-solicitation order.

7. Small business and local government participation:

On September 6, 2007, DOS held a public hearing at Junior High School 78 in Brooklyn to consider proposing this rule making. The hearing was publicized in advance and was open to all interested parties. Representatives of local community boards, State and local elected officials, and consumers attended and provided evidence of the need to extend and expand the then-existing cease and desist zone. One real estate professional attended but did not offer any comment other than having a general interest in the hearing. In addition, DOS kept the hearing record open in order to permit individuals and businesses to submit written testimony and evidence after the open public hearing.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

This rule does not apply to rural areas and, rather, applies only to a defined geographic area within the County of Kings.

2. Reporting, recordkeeping and other compliance requirements:

This rule, which applies only to a portion of urban Kings County, does not impose any reporting and record-keeping requirements on licensees located within rural areas.

3. Costs:

The rule does not impose any costs on rural areas.

4. Minimizing adverse impact:

Insofar as the rule does not impose any costs on rural areas, no alternatives to minimize adverse impacts were considered by the Department of State.

5. Rural area participation:

Insofar as the rule does not apply to rural areas, rural area participation was not solicited by the Department of State.

Job Impact Statement

This rule will not have any substantial adverse impact on jobs and employment opportunities. The rule merely prohibits real estate brokers and salespersons from soliciting real estate listings from residents of a defined geographic zone who have notified the Department of State that they do not wish to be solicited. Real estate brokers and salespersons will remain free to solicit other residents within the defined zone and to engage in real estate transactions within and outside of the defined geographic area.

Susquehanna River Basin Commission

Notice of Actions Taken at June 12, 2008 Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice of Commission Actions.

SUMMARY: At its regular business meeting on June 12, 2008 in Elmira, New York, the Commission: 1) heard a special infrastructure presentation by Ms. Sandra Allen of the N.Y. Department of Environmental Conservation, 2) received a report on the present hydrologic conditions of the basin showing a drying trend in parts of the basin, 3) approved a phased-in proposal to increase the Commission's consumptive use mitigation fee, 4) rescinded certain unneeded Commission policies, 5) adopted the FY-10 Budget, 6) approved two contracts, and 7) elected a new Chairman (Robert M. Summers of Maryland) and Vice-Chairman (Brig. Gen. Todd Semonite) to serve in the next fiscal year.

In addition, the Commission heard a Legal Counsel's report, heard an update on recent activities in the regulatory program, and convened a public hearing to: 1) approve certain water resources projects, including one enforcement action; 2) consider a request for a hearing on an administrative appeal regarding Docket No. 20080305, Mountainview Thoroughbred Racing Association, Inc.; 3) consider a request to reopen Docket No. 20020809, Mountainview Thoroughbred Racing Association, Inc.; and 4) consider a request by Mountainview Thoroughbred Racing Association, Inc. for reconsideration of a denial of a request for stay. Eight water resources projects were also tabled. See the Supplementary Information section below for more details on these actions.

DATE: June 12, 2008.

ADDRESS: Susquehanna River Basin Commission, 1721 N. Front Street, Harrisburg, PA 17102-2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423; ext. 306; fax: (717) 238-2436; e-mail: rcairo@srbc.net or Deborah J. Dickey, Secretary to the Commission, telephone: (717) 238-0422, ext. 301; fax: (717) 238-2436; e-mail: ddickey@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: The Commission approved a contract for staff consulting work with Indiana County Conservation District on the Bear Run AMD Restoration Project in Banks Township, Indiana County, Pa., and another contract with the U.S. Army Corps of Engineers for work related to the establishment of ecological flow needs in critical stream reaches of the Susquehanna River Basin.

The Commission also convened a public hearing and took the following actions: Public Hearing - Projects Approved:

1. Project Sponsor and Facility: Fortuna Energy Inc. (Southern Tier of N.Y., and Tioga and Bradford Counties, Pa.). Consumptive water use of up to 3,000 mgd in Steuben, Chemung, Schuyler, Tioga, and Broome Counties, N.Y., and Tioga and Bradford Counties, Pa.

2. Project Sponsor and Facility: Fortuna Energy Inc. (Catawgonk Creek), Town of Spencer, Tioga County, N.Y. Surface water withdrawal of up to 0.101 mgd.

3. Project Sponsor and Facility: East Resources, Inc. (Elmira, N.Y., Area). Consumptive water use of up to 4,000 mgd in Chemung and Steuben Counties, N.Y., and Tioga County, Pa.

4. Project Sponsor and Facility: East Resources, Inc. (Chemung River), Town of Big Flats, Chemung County, N.Y. Surface water withdrawal of up to 0.107 mgd.

5. Project Sponsor and Facility: Fortuna Energy Inc. (Chemung River), Chemung Town, Chemung County, N.Y. Surface water withdrawal of up to 0.250 mgd.

6. Project Sponsor and Facility: East Resources, Inc. (Tioga River; at Tioga Junction), Lawrence Township, Tioga County, Pa. Surface water withdrawal of up to 0.107 mgd.

7. Project Sponsor and Facility: East Resources, Inc. (Mansfield, Pa., Area). Consumptive water use of up to 4,000 mgd in Tioga and Bradford Counties, Pa.

8. Project Sponsor and Facility: East Resources, Inc. (Tioga River; near Mansfield), Richmond Township, Tioga County, Pa. Surface water withdrawal of up to 0.107 mgd.

9. Project Sponsor and Facility: Keystone Landfill, Inc., Dunmore Borough, Lackawanna County, Pa. Consumptive water use of up to 0.100 mgd and groundwater withdrawal of 0.010 mgd from Well 1, 0.020 mgd from Well 2, and 0.020 mgd from Well 3, and settlement of an outstanding compliance matter.

10. Project Sponsor: Kratzer Run Development, LLC. Project Facility: Eagles Ridge Golf Club (formerly Grandview Golf Course/Susquehanna Recreation Corporation), Ferguson Township, Clearfield County, Pa. Consumptive water use of up to 0.099 mgd and surface water withdrawal of up to 0.099 mgd.

11. Project Sponsor and Facility: Commonwealth Environmental Systems, L.P., Foster, Frailey and Reily Townships, Schuylkill County, Pa. Modification of consumptive water use and groundwater approval (Docket No. 20070304).

12. Project Sponsor and Facility: Lykens Valley Golf Course (formerly Harrisburg North Golf Course), Upper Paxton Township, Dauphin County, Pa. Consumptive water use of up to 0.200 mgd and surface water withdrawal of up to 0.200 mgd.

13. Project Sponsor and Facility: Spring Creek Golf Course (Spring Creek), Derry Township, Dauphin County, Pa. Consumptive water use of up to 0.081 mgd and surface water withdrawal of up to 0.081 mgd.

14. Project Sponsor: Titanium Hearth Technologies, Inc. Project Facility: TIMET North American Operations, Caernarvon Township, Berks County, Pa. Consumptive water use of up to 0.133 mgd, and settlement of an outstanding compliance matter.

15. Project Sponsor and Facility: Conestoga Country Club (Well 1), Manor and Lancaster Townships, Lancaster County, Pa. Groundwater withdrawal of 0.281 mgd.

16. Project Sponsor and Facility: Rock Springs Generation Facility, Rising Sun, Cecil County, Maryland. Modification of surface water withdrawal, groundwater withdrawal, and consumptive water use approval (Docket No. 20001203).

Public Hearing - Enforcement Action:

The Commission accepted a settlement offer in the amount of \$8,500 for the following project.

Project Sponsor and Facility: Standing Stone Golf Club (Docket No. 20020612), Oneida Township, Huntington County, Pa.

Public Hearing - Denial of Request for Administrative Hearing:

Under Section 808.2 of the Commission's Regulation relating to administrative appeals, the Commission denied a request for an administrative hearing concerning the following project:

Project Sponsor: Mountainview Thoroughbred Racing Association; Project Facility: Withdrawal of up to 0.400 mgd (30-day average) for maintenance and operation of a horse racing and casino gaming facility, Docket No. 20080305; Location: East Hanover Township, Dauphin County, Pa. Appellant: East Hanover Township, et. al.

Public Hearing - Denial of Request to Reopen Docket

Under Section 806.32 of the Commission's Regulation relating to reopening of project approvals, the Commission denied a request for the reopening of the following project approval:

Project Sponsor: Mountainview Thoroughbred Racing Association Project Facility:

Consumptive Use of up to 0.438 mgd (peak day) for maintenance and operation of a horse racing and casino gaming facility, Docket No. 20020809; Location: East Hanover Township, Dauphin County, Pa. Appellant: East Hanover Township.

Public Hearing - Denial of Request for Reconsideration of Denial of Request for Stay

Under Section 808.2 of the Commission's Regulation relating to administrative appeals, the Commission denied a request for reconsideration of its previous denial of a request for stay of the following project approval:

Project Sponsor: Mountainview Thoroughbred Racing Association; Project Facility:

Withdrawal of up to 0.400 mgd (30-day average) for maintenance and operation of a horse racing and casino gaming facility, Docket No.

20080305; Location: East Hanover Township, Dauphin County, Pa. Appellant: East Hanover Township, et. al.

Public Hearing - Projects Tabled:

1. Project Sponsor and Facility: East Resources, Inc. (Seeley Creek), Town of Southport, Chemung County, N.Y. Applications for consumptive water use of up to 0.250 mgd and surface water withdrawal of up to 0.250 mgd.

2. Project Sponsor and Facility: East Resources, Inc. (Crooked Creek; near Middlebury Center), Middlebury Township, Tioga County, Pa. Applications for consumptive water use of up to 0.250 mgd and surface water withdrawal of up to 0.250 mgd.

3. Project Sponsor and Facility: Fortuna Energy Inc. (Sugar Creek), West Burlington Township, Bradford County, Pa. Applications for consumptive water use of up to 0.250 mgd and surface water withdrawal of up to 0.250 mgd.

4. Project Sponsor and Facility: Fortuna Energy Inc. (Towanda Creek), Franklin Township, Bradford County, Pa. Applications for consumptive water use of up to 0.250 mgd and surface water withdrawal of up to 0.250 mgd.

5. Project Sponsor and Facility: Fortuna Energy Inc. (Susquehanna River), Sheshequin Township, Bradford County, Pa. Applications for consumptive water use of up to 0.250 mgd and surface water withdrawal of up to 0.250 mgd.

6. Project Sponsor and Facility: Neptune Industries, Inc. (Lackawanna River), Borough of Archbald, Lackawanna County, Pa. Application for surface water withdrawal of up to 0.499 mgd.

7. Project Sponsor: United States Gypsum Company. Project Facility: Washingtonville Plant (Well W-A8), Derry Township, Montour County, Pa. Application for groundwater withdrawal of 0.350 mgd.

8. Project Sponsor: Pennsy Supply, Inc. Project Facility: Hummelstown Quarry, South Hanover Township, Dauphin County, Pa. Application for surface water withdrawal of up to 29.925 mgd.

AUTHORITY: P.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: July 10, 2008.

Thomas W. Beauduy,
Deputy Director

Department of Transportation

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Department of Transportation publishes a new notice of proposed rule making in the *NYS Register*.

Access of Overdimensional/Overweight Vehicles on the Thruway

I.D. No.	Proposed	Expiration Date
TRN-29-07-00019-P	July 18, 2007	July 17, 2008

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Agriculture and Markets, Department of		
AAM-26-08-00016-P	Various trees and plants of the prunus species	Agriculture and Markets, 10B Airline Dr., Albany, NY—Aug. 28, 2008, 11:00 a.m.
Environmental Conservation, Department of		
ENV-19-08-00003-P	Open fires	Jamestown Community College, Training Center, 10785 Bennett Rd., (Rte. 60), Rm. 117, Dunkirk, NY—Aug. 6, 2008, Information Session: 4:00 p.m.-5:00 p.m., Public Hearing: 5:00 p.m.-8:00 p.m. Allegany County Office Bldg., Seven Court St., Legislative Board Chambers, Belmont, NY—Aug. 7, 2008, Information Session: 4:00 p.m.-5:00 p.m., Public Hearing: 5:00 p.m.-8:00 p.m.
Housing and Community Renewal, Division of		
HCR-26-08-00015-P	Rent Stabilization Code (RSC) and Emergency Tenant Protection Regulations (TPR)	Housing and Community Renewal, 22 Reade St., 1 st Fl., New York, NY—Aug. 12, 2008, 10:00 a.m. Housing and Community Renewal, 1550 Franklin Ave., Mineola, NY—Aug. 12, 2008, 10:00 a.m. Housing and Community Renewal, 75 S. Broadway, White Plains, NY—Aug. 12, 2008, 10:00 a.m.
Insurance Department		
INS-30-08-00004-P	Standards for the management of various New York State retirement systems	Insurance Department, 25 Beaver St., 5 th Fl., Neil Levin Hearing Rm., New York, NY—Sept. 10, 2008, 9:00 a.m.-12:00 p.m.
Long Island Power Authority		
LPA-30-08-00011-P	Net metering	Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—Sept. 10, 2008, 10:00 a.m. H. Lee Denison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—Sept. 10, 2008, 3:00 p.m.
LPA-28-08-00008-P	Southampton visual benefits assessment charge	H. Lee Denison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—Sept. 17, 2008, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—Sept. 17, 2008, 3:00 p.m.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CABLE TELEVISION, COMMISSION ON			
*CTV-23-94-00035-P	..... exempt	Rates for basic service and equipment of C-TEC Corp. - C-TEC Cable system	To determine whether the company's rates for basic service and equipment are justified
*CTV-24-94-00013-P	..... exempt	Rates for basic service and equipment of Cablevision Systems Corp. - Long Island - Riverhead system	To determine whether the company's rates for basic service and equipment are justified
*CTV-24-94-00026-P	..... exempt	Rates for basic service and equipment of Cablevision Systems Corp. - Long Island system	To determine whether the company's rates for basic service and equipment are justified
*CTV-24-94-00034-P	..... exempt	Rates for basic service and equipment of Cablevision System Corp. - Long Island/V-Cable system	To determine whether the company's rates for basic service and equipment are justified
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CABLE TELEVISION, COMMISSION ON			
*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
*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
CIVIL SERVICE, DEPARTMENT OF			
CVS-05-08-00011-P	..... 01/29/09	Jurisdictional Classification	To classify positions in the non-competitive class in the Department of Mental Hygiene
CVS-05-08-00018-P	..... 01/29/09	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class in the Department of Agriculture and Markets
CVS-07-08-00002-P	..... 02/12/09	Jurisdictional classification	To classify positions in the non-competitive class in the Executive Department
CVS-07-08-00003-P	..... 02/12/09	Jurisdictional classification	To classify a position in the non-competitive class in the State University of New York
CVS-12-08-00001-P	..... 03/19/09	Jurisdictional Classification	To classify positions in the exempt class in the Department of Law
CVS-12-08-00002-P	..... 03/19/09	Jurisdictional Classification	To classify positions in the exempt class
CVS-12-08-00003-P	..... 03/19/09	Jurisdictional Classification	To classify a position in the exempt class in the Department of Environmental Conservation
CVS-12-08-00004-P	..... 03/19/09	Jurisdictional Classification	To classify positions in the exempt class in the Banking Department
CVS-12-08-00005-P	..... 03/19/09	Jurisdictional classification	To classify a position in the non-competitive class in the Department of Health
CVS-12-08-00006-P	..... 03/19/09	Jurisdictional Classification	To classify a position in the exempt class in the Executive Department
CVS-12-08-00007-P	..... 03/19/09	Jurisdictional Classification	To classify a position in the exempt class in the State University of New York
CVS-12-08-00008-P	..... 03/19/09	Jurisdictional Classification	To classify a position in the non-competitive class in the Department of Agriculture and Markets
CVS-12-08-00009-P	..... 03/19/09	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class in the Executive Department

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-12-08-00010-P	03/19/09	Jurisdictional Classification	To classify positions in the non-competitive class in the Department of Health
CVS-12-08-00011-P	03/19/09	Jurisdictional Classification	To classify a position in the non-competitive class in the Department of Mental Hygiene
CVS-12-08-00012-P	03/19/09	Jurisdictional Classification	To classify a position in the non-competitive class in the Department of Health
CVS-12-08-00014-P	03/19/09	Jurisdictional Classification	To classify a position in the exempt class in the Department of Family Assistance
CVS-12-08-00015-P	03/19/09	Jurisdictional Classification	To classify a position in the exempt class in the Department of Mental Hygiene
CVS-17-08-00008-P	04/23/09	Jurisdictional Classification	To classify a position in the exempt class in the Department of Environmental Conservation
CVS-17-08-00009-P	04/23/09	Jurisdictional Classification	To classify a position in the exempt class in the Department of Mental Hygiene
CVS-17-08-00010-P	04/23/09	Jurisdictional Classification	To classify a position in the non-competitive class in the Executive Department
CVS-17-08-00011-P	04/23/09	Jurisdictional Classification	To classify positions in the non-competitive class in the State Department Service
CVS-17-08-00012-P	04/23/09	Jurisdictional Classification	To classify positions in the exempt class in the Department of Law
CVS-17-08-00013-P	04/23/09	Jurisdictional Classification	To delete a position from and classify a position in the exempt class in the Department of Civil Service
CVS-17-08-00014-P	04/23/09	Jurisdictional Classification	To classify positions in the exempt class in the Department of Health
CVS-17-08-00015-P	04/23/09	Jurisdictional Classification	To classify positions in the exempt class in the Executive Department
CVS-17-08-00016-P	04/23/09	Jurisdictional Classification	To classify positions in the non-competitive class in the Executive Department
CVS-17-08-00017-P	04/23/09	Jurisdictional Classification	To classify positions in the non-competitive class in the State University of New York
CVS-17-08-00018-P	04/23/09	Jurisdictional Classification	To classify a position in the non-competitive class in the Department of Labor
CVS-17-08-00019-P	04/23/09	Jurisdictional Classification	To classify positions in the non-competitive class in the Department of Labor
CVS-17-08-00020-P	04/23/09	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class in the Department of Motor Vehicles
CVS-17-08-00021-P	04/23/09	Jurisdictional Classification	To classify positions in the exempt class and delete positions from the non-competitive class in the Banking Department
CVS-17-08-00022-P	04/23/09	Jurisdictional Classification	To delete positions from and classify positions in the exempt class and delete positions from the non-competitive class in the Executive Department
CVS-17-08-00023-P	04/23/09	Jurisdictional Classification	To classify positions in the labor class in all State Departments and Agencies
CVS-20-08-00011-P	05/14/09	Jurisdictional Classification	To classify positions in the non-competitive class in the Executive Department

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-20-08-00012-P	..... 05/14/09	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class in the Department of Correctional Services
CVS-20-08-00013-P	..... 05/14/09	Jurisdictional Classification	To delete positions from the non-competitive class in the Department of Mental Hygiene and the Department of Taxation and Finance
CVS-20-08-00014-P	..... 05/14/09	Jurisdictional Classification	To classify positions in the exempt class and to delete positions from the non-competitive class in the Department of Mental Hygiene
CVS-20-08-00015-P	..... 05/14/09	Jurisdictional Classification	To delete a title from the non-competitive class in the State Department of Service
CVS-20-08-00016-P	..... 05/14/09	Jurisdictional Classification	To classify a position in the exempt class in the Department of State
CVS-20-08-00017-P	..... 05/14/09	Jurisdictional Classification	To classify a position in the exempt class in the Executive Department
CVS-20-08-00018-P	..... 05/14/09	Jurisdictional Classification	To classify a position in the exempt class in the Executive Department
CVS-20-08-00019-P	..... 05/14/09	Jurisdictional Classification	To classify a position in the exempt class in the Department of Mental Hygiene
CVS-20-08-00020-P	..... 05/14/09	Jurisdictional Classification	To classify a position in the exempt class in the Executive Department
CVS-20-08-00021-P	..... 05/14/09	Jurisdictional Classification	To classify positions in the exempt class in the Executive Department
CVS-20-08-00022-P	..... 05/14/09	Jurisdictional Classification	To classify a position in the non-competitive class in the Executive Department
CVS-20-08-00023-P	..... 05/14/09	Jurisdictional Classification	To classify a position in the non-competitive class in the Department of Agriculture and Markets
CVS-20-08-00024-P	..... 05/14/09	Jurisdictional Classification	To classify positions in the non-competitive class in the Department of Environmental Conservation
CVS-20-08-00025-P	..... 05/14/09	Jurisdictional Classification	To classify a title in the non-competitive class in the State Department Service
CVS-26-08-00001-P	..... 06/25/09	Jurisdictional Classification	To classify positions in the exempt class in the Department of Audit and Control
CVS-26-08-00002-P	..... 06/25/09	Jurisdictional Classification	To classify a position in the non-competitive class in the Executive Department
CVS-26-08-00003-P	..... 06/25/09	Jurisdictional Classification	To classify positions in the exempt class in the Department of Law
CVS-26-08-00004-P	..... 06/25/09	Jurisdictional Classification	To classify a position in the exempt class in the Executive Department
CVS-26-08-00005-P	..... 06/25/09	Jurisdictional Classification	To classify a position in the exempt class in the Executive Department
CVS-26-08-00006-P	..... 06/25/09	Jurisdictional Classification	To classify a position in the exempt class in the Department of Transportation
CVS-26-08-00007-P	..... 06/25/09	Jurisdictional Classification	To delete a position from the exempt class in the Executive Department
CVS-26-08-00008-P	..... 06/25/09	Jurisdictional Classification	To delete a position from and classify positions in the exempt class in the Executive Department

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-26-08-00009-P	06/25/09	Jurisdictional Classification	To classify positions in the non-competitive class in the Department of Transportation
CVS-26-08-00010-P	06/25/09	Jurisdictional Classification	To classify positions in the non-competitive class in the Executive Department
CVS-26-08-00011-P	06/25/09	Jurisdictional Classification	To classify a position in the non-competitive class in the Education Department
CVS-31-08-00003-P	07/30/09	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-31-08-00004-P	07/30/09	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-31-08-00005-P	07/30/09	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-31-08-00006-P	07/30/09	Jurisdictional Classification	To classify a position in the exempt class
CVS-31-08-00007-P	07/30/09	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-31-08-00008-P	07/30/09	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-31-08-00009-P	07/30/09	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CORRECTIONAL SERVICES, DEPARTMENT OF			
COR-24-08-00001-P	06/11/09	Procedure for stay of good behavior allowance	To discontinue an unnecessary automatic review by the commissioner or his designee for a class of inmates who are not affected
COR-27-08-00003-P	07/02/09	Gowanda Correctional Facility	To remove reference to a programming designation (VAST) that is no longer functioning
COR-30-08-00003-P	07/23/09	Sentence of death to be carried out at Green Haven Correctional Facility	To remove this regulation in accordance with recent litigation
EDUCATION DEPARTMENT			
*EDU-20-07-00005-ERP	08/13/08	Contracts for excellence	To establish allowable programs and activities, criteria for public reporting by school districts of their total foundation aid expenditures, and other requirements
EDU-52-07-00008-P	12/25/08	Identifying badges for health care professionals	To require that health care professionals wear identifying badges
EDU-08-08-00013-RP	04/02/09	Special education programs and services	To conform the commissioner's regulations to the Individuals with Disabilities Education Act
EDU-14-08-00009-ERP	04/02/09	Teacher tenure determinations	Establishing minimum standards and procedures for teacher tenure determinations
EDU-14-08-00012-ERP	04/02/09	School bus and vehicle engine idling	To prescribe requirements for minimizing the idling of school buses and other vehicles
EDU-15-08-00004-RP	04/09/09	Education, experience, examination and endorsement provisions for licensure of speech-language pathologists and audiologists	To conform New York State licensing requirements to current Medicaid requirements and expand endorsement of licenses

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-15-08-00009-ERP	04/09/09	Requirements for course work or training in the needs of students with autism and autism spectrum disorders	To require teachers seeking certification in special education to have course work or training in the needs of students with autism and autism spectrum disorders, and establish standards for approval of providers of course work or training
EDU-19-08-00004-P	05/07/09	Honorary associate degrees	To establish the list of honorary associate degrees
EDU-19-08-00005-P	05/07/09	Student dental health certificates	To prescribe requirements for school districts to request a dental health certificate from each student in the public schools at designated intervals
EDU-19-08-00006-P	05/07/09	Special education programs and services	To prescribe a dispute resolution mechanism
EDU-20-08-00030-P	05/14/09	Licensure as a clinical laboratory technologist	To establish requirements for licensure as a clinical laboratory technologist or cytotechnologist and for certification as a clinical laboratory technician
EDU-20-08-00031-P	05/14/09	Certification in the classroom teaching service through individual evaluation	To extend the expiration date for applicants seeking certification through the individual evaluation pathway
EDU-20-08-00032-P	06/12/09	State-level review of impartial hearing officer determinations regarding services for students with disabilities	To correct citations, references and provide clarification of procedures
EDU-25-08-00010-P	06/18/09	Requirements relating to professional study, experience, examination and endorsement for the licensure of architects	To align the NYS requirements with national standards and amend endorsement requirements
EDU-29-08-00004-EP	07/16/09	Employment of retired persons	To employ in public schools, boards of cooperative educational services, and county vocational education and extension boards
EDU-31-08-00014-P	07/30/09	Special education programs and services	To extend the date for required use of State forms for IEPs, prior written notice and meeting notice
EDU-32-08-00003-P	08/06/09	State aid awards for high need nursing programs at certain independent colleges and universities	To permit online nursing programs to be eligible for state aid, in accordance with Chapter 57 of the Laws of 2008
EDU-32-08-00004-P	08/06/09	Education Law section 310 appeals to the Commissioner of Education.	To clarify, update and prescribe Education Law section 310 appeal procedures and requirements.

ELECTIONS, STATE BOARD OF

*SBE-31-07-00004-P	07/31/08	Minimum number of required voting machines	To establish the minimum required voting machines and privacy booths needed for each polling place
SBE-49-07-00002-P	12/04/08	Operation and maintenance of voting machines and systems	To ensure uniform maintenance on voting equipment statewide

ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE

ERD-43-07-00027-RP	12/12/08	CO2 Allowance Auction Program	To promote the purposes of the clean energy technology account as provided by the program
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-39-07-00006-P	11/15/08	New major facilities and major modifications to existing facilities	To comply with the 2002 Federal New Source Review (NSR) Rule promulgated and correct deficiencies that the EPA identified
ENV-43-07-00028-RP	12/12/08	New York State CO2 Budget Trading Program	To reduce CO2 emissions from fossil fuel-fired electric generating sources statewide to counter the threat of a warming climate
ENV-07-08-00011-P	05/02/09	Operation and maintenance of dams	To adopt requirements for owner dam safety programs, permitting and enforcement
ENV-08-08-00001-P	02/19/09	Sportfishing regulations	To revise regulations for sportfishing, gear requirements, and baitfish; and prohibit sale of trout and salmon eggs
ENV-14-08-00002-ERP	04/02/09	Recreational and commercial harvest of Hudson River American shad.	Reduce harvest of Hudson River American shad consistent with protecting the resource.
ENV-19-08-00003-P	07/02/09	Open fires	To extend a ban of open burning
ENV-21-08-00002-P	05/21/09	Use of State lands	To protect public safety, manage public use and protect natural resources on State lands
ENV-25-08-00001-P	06/18/09	Sanitary condition of shellfish lands	To reclassify underwater lands for the harvesting shellfish and to clarify an existing description of uncertified lands
ENV-26-08-00017-P	06/25/09	Hunting seasons for black bear	To expand the areas open to bear hunting
ENV-29-08-00005-EP	07/16/09	Lobster maximum size limit for Lobster Conservation Management Area 4 and V-notch definition for lobster harvest	Reduce harvest of lobster consistent with the fishery management plan
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-08-08-00012-P	02/19/09	Qualifications of local health department personnel	To support hiring of competent appropriately trained local public health professionals
HIGHER EDUCATION SERVICES CORPORATION			
ESC-23-08-00004-P	06/04/09	Adjustments to income - Tuition Assistance Program (TAP)	To amend the regulation to remove references to expired statutory language regarding adjustments for change in circumstance
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
HCR-26-08-00015-P	08/12/09	Rent Stabilization Code (RSC) and Emergency Tenant Protections Regulations (TPR)	To clarify demolition standards and revise the stipend methodology
HUDSON RIVER - BLACK RIVER REGULATING DISTRICT			
HBR-24-08-00008-P	06/11/09	Great Sacandaga Lake access permit system	To improve the administration of the access permit system

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
INSURANCE DEPARTMENT			
INS-50-07-00002-P	..... 12/11/08	Mandatory underwriting inspection requirements for private passenger automobiles	To modify requirements
INS-30-08-00004-P	..... 09/10/09	Standards for the management of various New York State retirement systems	To establish high ethical standards, strengthen internal controls and governance, and enhance the operational transparency
LABOR, DEPARTMENT OF			
LAB-38-07-00003-P	..... 11/19/08	Public employee workplace violence prevention programs	To prevent and minimize the hazard of workplace violence to public employees
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	..... exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	..... exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	..... exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
LPA-28-08-00008-P	..... exempt	Southampton visual benefits assessment charge	To add and amend LIPA's tariff for electric services with regard to a VBA charge with respect to Southampton customers
LPA-30-08-00011-P	..... exempt	Net Metering	To revise LIPA's Tariff for Electric Service with regard to net metering
MENTAL HEALTH, OFFICE OF			
OMH-18-08-00003-P	..... 04/30/09	Mental health services - general provisions - waiver authority	To establish waiver authority for the Commissioner of Mental Health
OMH-27-08-00002-P	..... 07/02/09	Placement or transfer of patients	To amend regulations pertaining to transfer or placement of patients
OMH-30-08-00002-P	..... 07/23/09	Medical assistance payments for comprehensive psychiatric emergency programs	To increase rates for comprehensive psychiatric emergency programs as required by the enacted State budget for FY 2008-09
OMH-31-08-00011-P	..... 07/30/09	Operating certificates	To permit the Office of Mental Health to issue operating certificates with a duration of 3 years to certain providers of service
OMH-31-08-00012-P	..... 07/30/09	Adjudicatory proceedings	To amend Part 503 to eliminate a duplicative step in the hearing officer process
OMH-32-08-00001-P	..... 08/06/09	Medical Assistance Payment for Outpatient Programs	Provide increased reimbursement rates & COLAS for certain mental health treatment programs as per the 08-09 State budget.
OMH-32-08-00002-P	..... 08/06/09	Operation of Outpatient Programs	To increase the number of children's designated specialty clinics in NYC, in accordance with the enacted 2008-09 State budget.
MOTOR VEHICLES, DEPARTMENT OF			
MTV-30-08-00006-P	..... 07/23/09	Motor vehicle inspections	Creates a shared network for inspection stations in the New York Metropolitan area

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
MOTOR VEHICLES, DEPARTMENT OF			
MTV-31-08-00015-P	..... 07/30/09	Issuance of enhanced driver's licenses	To authorize the fingerprinting of certain employees who are involved in the issuance of enhanced driver's licenses
MTV-32-08-00005-P	..... 08/06/09	Renewal of driver's licenses and enhanced driver's licenses.	Establishes renewal cycles for driver's licenses and enhanced driver's licenses.
NIAGARA FRONTIER TRANSPORTATION AUTHORITY			
NFT-26-08-00012-P	..... 06/25/09	Freedom of information regulations	To conform to changes in State law
NFT-26-08-00013-P	..... 06/25/09	Procurement guidelines	To make technical changes and conform to Federal and State law
POWER AUTHORITY OF THE STATE OF NEW YORK			
PAS-33-07-00011-P	..... 09/17/08	Freedom of Information Law	To clarify and update regulations
PAS-21-08-00006-P	..... exempt	Rates for the sale of power and energy	To maintain system's fiscal integrity; this increase in rates does not result from Power Authority rate increase to village
PAS-23-08-00003-P	..... exempt	Rates for the sale of power and energy	Update Neighboring States service tariffs to streamline them and include additional required information
PUBLIC SERVICE COMMISSION			
*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-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-02-99-00006-EP	..... exempt	Intralata freeze plan by New York Telephone Company	To approve the plan
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-33-99-00007-P	..... exempt	Transfer of hydroelectric facilities by the City of Oswego	To establish conditions
*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-51-99-00025-P	..... exempt	Fixed pressure factor accuracy maintenance by Brooklyn Union Gas	To waive certain requirements

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-52-99-00006-P	..... exempt	Wide area rate center calling	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-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-07-00-00020-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-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-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-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-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
*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-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-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
*PSC-41-00-00021-P	..... exempt	Exemption from certain provisions by Norse Pipeline, LLC	To specify the regulatory regime under which Norse will operate

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-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-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-49-00-00014-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-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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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-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-12-02-00009-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*PSC-18-02-00025-P	..... exempt	Transfer of utility property by New York State Electric and Gas Corporation	To amend the current lease
*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-25-02-00024-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-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-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-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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-48-02-00014-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
*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-03-03-00006-P	..... exempt	Recovery of costs by Consolidated Edison Company of New York, Inc.	To approve the request
*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-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-06-03-00028-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-09-03-00016-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
*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-14-03-00005-P	..... exempt	Service Quality Assurance Program by Niagara Mohawk Power Corporation	To increase certain performance targets
*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-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-18-03-00004-P	..... exempt	Lightened regulation by East Hampton Power and Light Corporation (EHPLC)	To provide for lightened regulation and grant financing approval
*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
*PSC-21-03-00016-P	..... exempt	Verizon incentive plan	To modify the existing complaint performance objective
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-26-03-00019-P	..... exempt	Rehearing by New York State Electric and Gas Corporation	To allow a rehearing of commission orders
*PSC-26-03-00022-P	..... exempt	Water rate increase by Fishers Island Water Works Corporation	To increase annual revenues
*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-29-03-00001-P	..... exempt	Pole attachment rates by Verizon New York Inc.	To determine the appropriate rates
*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-32-03-00020-P	..... exempt	Issuance of debt and approval of surcharge by Rainbow Water Company	To approve necessary financing
*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-34-03-00019-P	..... exempt	Issuance of securities by KeySpan East Corporation d/b/a KeySpan Energy Delivery Long Island	To obtain authorization to issue securities
*PSC-35-03-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and MCIMetro Access Transmission Services LLC	To amend the agreement
*PSC-35-03-00015-P	..... exempt	Standby rates and charges by Consolidated Edison Company of New York, Inc.	To revise the tariff regarding on-site generation
*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-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-38-03-00010-P	..... exempt	FCC's triennial review order	To undertake review of specific requirements due to results of order
*PSC-38-03-00011-P	..... exempt	FCC's triennial review order	To undertake review of specific requirements as a result of the order

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-03-00012-P	..... exempt	FCC's triennial review order	To undertake review of specific requirements as a result of order
*PSC-39-03-00013-P	..... exempt	Complaint by State University of New York (SUNY) regarding a NYSEG operating agreement	To consider the complaint
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*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
*PSC-42-03-00005-P	..... exempt	Interest rate by the Bath Electric, Gas, and Water Systems	To use an alternate interest rate
*PSC-42-03-00008-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-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-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*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-45-03-00009-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-47-03-00024-P	..... exempt	Lightened regulation and financing approval by Medford Energy LLC	To consider the requests
*PSC-51-03-00007-P	..... exempt	Filing requirements in article VII proceedings by Conjunction, LLC	To insure the environmental compatibility

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-07-04-00024-P	..... exempt	Gas reliability by Orange and Rockland Utilities, Inc.	To revise Service Classification No. 11
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-10-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Cypress Communications Operating Company, Inc.	To amend the agreement
*PSC-11-04-00030-P	..... exempt	Revised cost studies by Champlain Telephone Company	To request a waiver or modification
*PSC-12-04-00003-P	..... exempt	Charges for audits of pole attachments by the Cable Telecommunication Association of New York, Inc.	To consider the charges
*PSC-13-04-00009-P	..... exempt	Transfer of an easement by Consolidated Edison Company of New York, Inc. and Astoria Energy LLC	To approve the transfer
*PSC-13-04-00010-P	..... exempt	Refund of residual net benefit by Long Island Water Corporation	To resolve the amount to be refunded
*PSC-13-04-00012-P	..... exempt	Issuance of debt by Wellesley Island Water Corp.	To construct new wells, pump house, storage tank and mains
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-14-04-00009-P	..... exempt	Long-term debt agreement by Fillmore Gas Company, Inc.	To authorize long-term debt for the financing of various purposes
*PSC-15-04-00021-P	..... exempt	Rates for unbundled network elements platform (UNE-Ps) and transport rates by Verizon New York Inc.	To consider filing a tariff
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-16-04-00002-P	..... exempt	Federal Communication Commission's triennial review order by Verizon New York Inc.	To consider the effect on interconnection agreements
*PSC-16-04-00003-P	..... exempt	Federal Communications Commission's triennial review order by AT&T Communications of New York Inc.	To consider the effect on interconnection agreements
*PSC-16-04-00011-P	..... exempt	Calculation of franchise fees by Cablevision Rockland/Ramapo, Inc. and the Village of Suffern	To exclude the amount of the franchise fees collected from inclusion in the calculation of gross receipts
*PSC-16-04-00012-P	..... exempt	Calculation of franchise fees by Cablevision of Southern Westchester, Inc. and the Village of Pelham	To exclude the amount of the franchise fees collected from inclusion in the calculation of gross receipts

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-16-04-00013-P	..... exempt	Calculation of franchise fees by Cablevision Systems Long Island Corp. and the Village of Manorhaven	To exclude the amount of the franchise fees collected from inclusion in the calculation of gross receipts
*PSC-19-04-00009-P	..... exempt	Lease of real property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Consolidated Edison Company of New York, Inc.	To consider the proposed lease of a portion of a building
*PSC-19-04-00010-P	..... exempt	Abandonment of water system by Antlers of Raquette Lake, Inc.	To allow Antlers of Raquette Lake, Inc. to abandon its water system
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-21-04-00016-P	..... exempt	Sublease of real property by The Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York, et al.	To consider the proposed sublease, accounting and rate treatment and related matters
*PSC-22-04-00008-P	..... exempt	Modification of mass migration guidelines	To consider the modifications
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00014-P	..... exempt	Major rate increase by Consolidated Edison Company of New York, Inc.	To provide a net increase in annual steam revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-26-04-00004-P	..... exempt	Refund of overpayments of intrastate access charges	To determine the amount of overcollected intrastate access charges and the appropriate level of interest to be refunded with the overcharges
*PSC-26-04-00009-P	..... exempt	Transfer of assets by Farms Water Company, Inc. and the Dutchess County Water and Wastewater Authority	To approve the transfer
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00024-P	..... exempt	Adjustment of rates by Corning Natural Gas Corporation	To provide safe and adequate natural gas service
*PSC-27-04-00026-P	..... exempt	Low-Income Aggregation Program by Orange and Rockland Utilities, Inc.	To approve the program
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-29-04-00002-P	..... exempt	Return of number blocks to the pooling administrator by Global NAPs, Inc.	To return all but one block of numbers in each of the 540 and 550 central office codes
*PSC-30-04-00006-P	..... exempt	Water rates and charges by United Water New York Inc.	To recover a net amount from customers through a surcharge

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-32-04-00012-P	..... exempt	2-1-1 dialed calls by the County of Rockland	To consider authorizing Rockland County to receive all 2-1-1 calls originating in Rockland County
*PSC-34-04-00016-P	..... exempt	Verizon New York Inc.'s billing practices by A.R.C. Networks Inc. d/b/a InfoHighway Communications Corporation, et al.	To review the complaint
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-36-04-00008-P	..... exempt	Pole attachment rates by Cable Telecommunications Association of New York, Inc.	To consider Rochester Gas & Electric Corporation's pole attachment rates
*PSC-39-04-00007-P	..... exempt	Tariffing certain intrastate telecommunication services by Verizon New York Inc.	To consider the tariff
*PSC-39-04-00009-P	..... exempt	Regulation of utility operations by Eastman Kodak Company	To apply regulation to the utility operations
*PSC-41-04-00003-P	..... exempt	Pole attachments by Fibertech Networks, LLC and Cable Telecommunications Association of New York, Inc.	To reconsider the order adopting policy statement
*PSC-41-04-00005-P	..... exempt	Transfer of franchises or stocks by Mt. Ebo Water Works, Inc. and Mt. Ebo Associates, Inc.	To allow the purchase of stock
*PSC-43-04-00016-P	..... exempt	Accounts receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*PSC-43-04-00019-P	..... exempt	Standard agreement for attachments to utility poles by Central Hudson Gas & Electric Corporation, et al.	To consider approval of a standard form pole attachment agreement
*PSC-45-04-00014-P	..... exempt	Retail renewable portfolio standard implementation plan	To consider measures appropriate for the 2005 plan
*PSC-45-04-00020-P	..... exempt	Energy competitive rate design policy	To establish a uniform approach to the design of gas and electric rates
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-48-04-00007-P	..... exempt	Retail Service Quality Program by Verizon New York Inc.	To implement recommendations
*PSC-51-04-00014-P	..... exempt	Customer satisfaction index target by St. Lawrence Gas Company, Inc.	To implement a customer satisfaction index target
*PSC-02-05-00005-P	..... exempt	Retail access plan by Niagara Mohawk Power Corporation	To consider approval of the plan

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-06-05-00010-P	..... exempt	Simplified telecommunications annual report	To evaluate and determine whether to approve a modified report
*PSC-06-05-00023-P	..... exempt	Transfer of water plant assets by Sterling Homes, LLC, et al.	To transfer assets from Manuel Hirschman to Sterling Homes, LLC
*PSC-08-05-00010-P	..... exempt	Prescription Drug and Medicare Improvement Act of 2003	To adopt modifications
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-10-05-00010-P	..... exempt	IntraLATA presubscription requirements by Carmel Telephone Services, Inc. d/b/a SusCom	To provide end users with intraLATA presubscription toll dialing capability
*PSC-12-05-00008-P	..... exempt	Complaint against KeySpan Gas East Corporation Inc. by Pepco Energy Services	To consider the complaint
*PSC-12-05-00009-P	..... exempt	Complaint against KeySpan Gas East Corporation Inc. by North Atlantic Utilities Inc.	To consider the complaint
*PSC-12-05-00013-P	..... exempt	Renewal of a franchise agreement between Mid-Hudson Cablevision, Inc. and the Town of Westerlo	To approve renewal
*PSC-12-05-00014-P	..... exempt	Franchising process by the Town of Angelica	To expedite the cable television franchising process
*PSC-13-05-00017-P	..... exempt	Administering public access channel time between Cablevision Systems Corporation and the Town of Huntington by the Town of Brookhaven and Annie McKenna Faraldo	To determine whether procedures comply with applicable State law
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-15-05-00023-P	..... exempt	Submetering of electricity by ConServe Corporation for 2400 Johnson Avenue Owners	To submeter electricity at 2400 Johnson Ave., Riverdale, NY
*PSC-15-05-00024-P	..... exempt	Submetering of electricity by ConServe Corporation for Len Ru Apartment Corporation	To submeter electricity at 3400 Wayne Ave., Riverdale, NY
*PSC-15-05-00025-P	..... exempt	Submetering of electricity by ConServe Corporation for Fairfield Views, Inc.	To submeter electricity at 3103 Fairfield Ave., Riverdale, NY
*PSC-16-05-00014-P	..... exempt	Benefits of certain Federal income tax savings by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.	To decide the allocation
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-19-05-00012-P	..... exempt	Short term loans by Berkshire Telephone Corporation to its parent holding company, FairPoint Communications	To allow implementation of a cash management system
*PSC-19-05-00015-P	..... exempt	Petition for rehearing by Consolidated Edison Company of New York, Inc.	To consider whether sales tax be included in the utility commodity charge portion of customer's bills
*PSC-19-05-00017-P exempt	Retail access plan by Rochester Gas and Electric Corporation	To consider the plan

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PUBLIC SERVICE COMMISSION			
*PSC-20-05-00028-P exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-21-05-00008-P	..... exempt	Open market plan provisions by Frontier of Rochester, Inc.	To terminate all remaining provisions
*PSC-21-05-00009-P	..... exempt	Caller ID information by Rockland County	To unblock calls to the 311 municipal call center
*PSC-24-05-00006-P	..... exempt	Telephone network reliability	To require telecommunications carriers to take steps to enhance network reliability
*PSC-24-05-00008-P	..... exempt	Issuance of stock, bonds and other forms of indebtedness by Emerald Green Lake Louise Marie Water Company	To enter into two loan agreements
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-26-05-00010-P	..... exempt	Issuance of debt by the James V. Lettiere, Jr. d/b/a Lettiere Water System	To purchase and install radio read meters and related software
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-29-05-00029-P	..... exempt	Water rates and charges by United Water New York Inc.	To recover revenues from customers through a surcharge
*PSC-31-05-00013-P	..... exempt	Change in billing period and a capital improvement surcharge by Emerald Green Lake Louise Marie Water Company, Inc.	To change the billing period from bi-annual to quarterly and approve a quarterly surcharge of \$25 per customer
*PSC-36-05-00017-P	..... exempt	Competitive provision of metering and metering services	To consider revisions to the competitive metering policy and related matters
*PSC-40-05-00010-P	..... exempt	Uniform system of accounts by St. Lawrence Gas Company, Inc.	To defer expenses beyond the end of the current fiscal year
*PSC-41-05-00012-P	..... exempt	Application of late payments charges by New York State Electric & Gas Corporation	To approve or deny the petition for rehearing
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-41-05-00025-P	..... exempt	Sale of property by Consolidated Edison Company of New York, Inc.	To consider the proposed allocation, accounting, rate treatment and use of the proceeds
*PSC-43-05-00016-P	..... exempt	Safety of the telephone network	To implement stray voltage testing of all facilities-based telephone companies and payphones in New York State
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00006-P	..... exempt	Rate adjustments by Central Hudson Gas & Electric Corporation	To establish rate adjustments
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-49-05-00019-P	..... exempt	The 811 abbreviated dialing code by Dig Safely New York, Inc. and NYC & LI One Call/Dig Safely, Inc.	To require telephone companies to implement the 811 abbreviated dialing code

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-52-05-00023-P	..... exempt	Water service by the estate of Helen J. Binder	To abandon the water system
*PSC-04-06-00010-P	..... exempt	Taxes and surcharges on customer bills by telecommunications carriers	To consider requiring telephone service providers to change or eliminate items on their customer bills
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-04-06-00025-P	..... exempt	Broadband over power line technologies	To develop an appropriate regulatory framework
*PSC-06-06-00014-P	..... exempt	Uniform system of accounts by St. Lawrence Gas Company, Inc.	To defer expenses beyond the end of the current fiscal year
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-07-06-00013-P	..... exempt	Deferral accounting and related matters by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.	To authorize deferral accounting of certain liabilities and related matters
*PSC-08-06-00010-P	..... exempt	Submetering of electricity by Accurate Energy Group	To submeter electricity at 151 E. 58th St., New York, NY
*PSC-13-06-00019-P	..... exempt	Submetering of electricity by Sovereign Apartments, Inc.	To submeter electricity at 425 E. 58th St., New York, NY
*PSC-14-06-00018-P	..... exempt	Deferral accounting and related matters by Consolidated Edison Company of New York, Inc.	To authorize deferral accounting of certain expenses and related matters
*PSC-17-06-00010-P	..... exempt	Mutual traffic exchange agreement between Time Warner Telecom-NY, L.P. and Germantown Telephone Company, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-19-06-00006-P	..... exempt	Telephone network reliability by the New York Coalition of Rural Independent Telephone Companies	To enhance telephone network reliability in New York State
*PSC-21-06-00007-P	..... exempt	Electric utility emergency plans by Niagara Mohawk Power Corporation	To consider notifications to utility emergency plans
*PSC-21-06-00008-P	..... exempt	Electric utility emergency plans by Consolidated Edison Company of New York, Inc. and New York State Electric and Gas Corporation	To consider notifications to utility emergency plans relating to storms
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-06-00006-P	..... exempt	Open market plan by Frontier of Rochester, Inc.	To terminate all remaining provisions
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-24-06-00006-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-27-06-00017-P	..... exempt	Issuance of debt and water rates and charges by Dutchess Estates Water Company, Inc.	To fund the construction of water system replacements and improvements and recover the associated costs from customers
*PSC-28-06-00015-P	..... exempt	Economic Development Program costs by National Grid	To adopt cost proposals
*PSC-31-06-00020-P	..... exempt	Submetering of electricity by Queens Windsor, LLC	To submeter electricity at Windsor at Forest Hills Condominium, 107-24 71st St., Forest Hills, NY
*PSC-31-06-00024-P	..... exempt	Flexible economic development rate contract for electric service by Owens-Brockway Glass Container, Inc.	To require New York State Electric & Gas Corporation to enter into a contract
*PSC-31-06-00025-P	..... exempt	Transfer of franchises or stock and water rates and charges between Macquarie Utilities Inc. and Aquarion Company Inc.	To approve the transfer
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-36-06-00014-P	..... exempt	Submetering of electricity by Owner's Corporation	To submeter electricity at 210, 220, 230 Pelham Rd., New Rochelle, NY
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-39-06-00018-P	..... exempt	Order establishing rate plan by Central Hudson Gas & Electric Corporation and the Consumer Protection Board	To consider the petitions for rehearing
*PSC-39-06-00019-P	..... exempt	Investigation of Richard M. Osborne by Corning Natural Gas Corporation	To determine the interests, plans and commitments that will be in place if he is successful in blocking the merger of Corning Gas and C&T Enterprises
*PSC-39-06-00021-P	..... exempt	Electronic data interchange (EDI) standards by U.S. Energy Savings Corporation	To revise the TS814 enrollment request and response standard to support implementation of a contest period
*PSC-39-06-00022-P	..... exempt	Uniform business practices and related matters by U.S. Energy Savings Corporation	To establish a contest period
*PSC-39-06-00023-P	..... exempt	Energy Service Company Referral Program by Rochester Gas and Electric Company	To approve the program and associated cost estimates
*PSC-39-06-00024-P	..... exempt	Waiver of certain application filing requirements by National Grid	To consider the request to rebuild approximately 21 miles of a 115 kV transmission facility located in Erie County

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-06-00005-P	..... exempt	Orion Integral automatic meter reading transmitter by New York State Electric and Gas Corporation	To permit gas utilities in NYS to use the Badger Meter Incorporated Orion Integral transmitters
*PSC-41-06-00028-P	..... exempt	Deferral of rate impact by Consolidated Edison Company of New York, Inc.	To authorize the deferral
*PSC-42-06-00010-P	..... exempt	Benchmark rate cap for telephone business services	To consider the benchmark rate cap in order to determine eligibility for the Transition Fund
*PSC-42-06-00011-P	..... exempt	Submetering of electricity by 225 5th LLC	To submeter electricity at 255 Fifth Ave., New York, NY
*PSC-43-06-00012-P	..... exempt	Reliability Rule D-R2 of the New York State Reliability Council	To amend the rule
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-44-06-00014-P	..... exempt	Electric power outages in Northwest Queens by Consolidated Edison Company of New York, Inc.	To review the terms and conditions of the agreement
*PSC-45-06-00007-P	..... exempt	Alleged failure to provide electricity by Robert Andrews	To assess validity of allegations and appropriateness of fines
*PSC-45-06-00018-P	..... exempt	Disposition of property tax refunds by Long Island Water Corporation	To determine the disposition of property tax refunds
*PSC-46-06-00022-P	..... exempt	Uniform system of accounts by Corning Natural Gas Corporation	To defer accounting treatment for expenses beyond the end of the year in which it occurred
*PSC-47-06-00016-P	..... exempt	Market Supply Charge by Orange and Rockland Utilities, Inc.	To separate actual market prices from costs and adjustments
*PSC-48-06-00004-P	..... exempt	Transfer of franchise or stocks by Gaz de France SA, et al.	To approve the transfer
*PSC-49-06-00013-P	..... exempt	Delaware Interconnection Project by United Water New Rochelle	To review the size, estimated costs and financing of the project
*PSC-51-06-00020-P	..... exempt	Water rates and charges by United Water New Rochelle Inc.	To reconcile revenues
*PSC-51-06-00021-P	..... exempt	Approval of a loan by Arbor Hills Waterworks, Inc.	To approve a loan as a well as a surcharge
*PSC-51-06-00022-P	..... exempt	Water rates and charges by Robinn Meadows Development Corporation	To approve an increase in annual revenues
*PSC-52-06-00013-P	..... exempt	Interconnection agreement between Frontier Communications of AuSable Valley, Inc., et al.	To review the terms and conditions of the negotiated agreement
*PSC-52-06-00015-P	..... exempt	License agreement of real property by The Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York, et al.	To consider the license agreement
*PSC-52-06-00019-P	..... exempt	Commission pole attachment policies by Omnipoint Communications, Inc. d/b/a T-Mobile USA	To consider the application
*PSC-01-07-00019-P	..... exempt	Mandatory number pooling	To consider requiring mandatory number pooling in certain area codes
*PSC-01-07-00030-P	..... exempt	ESCO Referral Program by New York State Electric and Gas Corporation	To approve the program and associated cost estimates

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-07-00031-P	..... exempt	Enforcement mechanisms by National Fuel Gas Distribution Corporation	To modify enforcement mechanisms
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00013-P	..... exempt	Petition for rehearing by Verizon New York Inc.	To consider the petition
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-07-07-00013-P	..... exempt	Uniform system of accounts by Corning Natural Gas Corporation	To defer accounting treatment expenses beyond the end of the year in which they occurred
*PSC-08-07-00006-P	..... exempt	Service improvement plans by Verizon New York Inc.	To consider the plans
*PSC-08-07-00011-P	..... exempt	Water rules, rates and charges by Bristol Water Works Corporation	To investigate the metering and billing practices of the water company
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-11-07-00014-P	..... exempt	Petroleum infrastructure study by the New York State Energy Research and Development Authority	To modify utility tariffs and fuel inventory requirements
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00006-P	..... exempt	New York State Reliability Council	To consider adopting proposed changes to various rules and measurements
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-18-07-00014-P	..... exempt	Utility Plan pertaining to advanced metering by National Fuel Gas Distribution Corporation	To consider the plan
*PSC-18-07-00015-P	..... exempt	Utility plan pertaining to advanced metering by New York State Electric & Gas Corporation	To consider the plan
*PSC-18-07-00016-P	..... exempt	Utility plan pertaining to advanced metering by National Grid	To consider the plan
*PSC-18-07-00018-P	..... exempt	Utility Plan pertaining to advanced metering by KeySpan Energy Delivery (New York)	To consider the plan
*PSC-18-07-00021-P	..... exempt	Deferral of property tax and interest rate reconciliations by Aquarion Water Company of Sea Cliff	To determine the proper amount of deferred property tax and interest rate expense
*PSC-19-07-00006-P	..... exempt	Incumbent Local Exchange Carriers	To grant rate flexibility and other possible relief
*PSC-19-07-00007-P	..... exempt	Service Quality Assurance Program by Niagara Mohawk Power Corporation d/b/a National Grid	To review and potentially modify certain performance indicators and targets of the program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-07-00008-P	..... exempt	Integrated resource planning for electric supply and long-term contracts	To consider the requirements for electric resource procurement
*PSC-19-07-00009-P	..... exempt	Competitive retail energy markets and mechanisms	To revise requirements for promoting retail access for utility recovery of lost revenues
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Conring Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-22-07-00016-P	..... exempt	Advanced metering infrastructure surcharge by New York State Electric & Gas Corporation and Rochester Gas & Electric Corporation	To implement a formula rate mechanism
*PSC-22-07-00017-P	..... exempt	Waiver of rules by Empire Video Services Corporation	To allow construction of a cable television system
*PSC-22-07-00018-P	..... exempt	Accounting treatment of pension internal reserve account by New York Water Service	To accrue carrying charges
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-23-07-00023-P	..... exempt	System benefit charge funds by the New York State Energy Research and Development Authority	To reallocate a portion of the fund
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-24-07-00016-P	..... exempt	Waiver of rules by Empire Video Services Corporation, Town of Ovid	To allow construction of a cable television system
*PSC-24-07-00017-P	..... exempt	Waiver of rules by Empire Video Services Corporation, Town of Hector	To allow construction of a cable television system
*PSC-24-07-00018-P	..... exempt	Waiver of rules by Empire Video Services Corporation, Town of Montour	To allow construction of a cable television system
*PSC-24-07-00019-P	..... exempt	Waiver of rules by Empire Video Services Corporation, Town of Cayuta	To allow construction of a cable television system
*PSC-24-07-00020-P	..... exempt	Waiver of rules by Empire Video Services Corporation, Town of Newfield	To allow construction of a cable television system
*PSC-24-07-00021-P	..... exempt	Waiver of rules by Empire Video Services Corporation, Town of Lodi	To allow construction of a cable television system
*PSC-24-07-00022-P	..... exempt	Waiver of rules by Empire Video Services Corporation, Town of Wheeler	To allow construction of a cable television system
*PSC-24-07-00023-P	..... exempt	Waiver of rules by Empire Video Services Corporation, Town of Jerusalem	To allow construction of a cable television system
*PSC-24-07-00024-P	..... exempt	Waiver of rules by Empire Video Services Corporation, Town of Prattsburgh	To allow construction of a cable television system
*PSC-26-07-00015-P	..... exempt	Tariff revisions by Verizon New York Inc.	To revise tariff language and rates that apply to required enhancements

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-07-00016-P	..... exempt	Rehearing by Cable Telecommunications Association of New York, Inc.	To consider a petition for rehearing
*PSC-28-07-00011-P	..... exempt	Wireless attachments to utility distribution poles	To consider issues relating to wireless attachments to utility distribution poles
*PSC-28-07-00014-P	..... exempt	Initial tariff schedule by Castleview Development Water-Works Corporation	To set forth the initial rates, charges, rules and regulations under which the company will operate
*PSC-29-07-00027-P	..... exempt	Cable television system by Empire Video Services Corporation, Town of Pembroke	To allow for the construction of a cable television system
*PSC-29-07-00028-P	..... exempt	Cable television system by Empire Video Services Corporation, Town of Alabama	To allow for the construction of a cable television system
*PSC-29-07-00029-P	..... exempt	Cable television system by Empire Video Services Corporation, Town of Alexander	To allow for the construction of a cable television system
*PSC-29-07-00030-P	..... exempt	Loan agreement by Kiamesha Artesian Spring Water Company, Inc.	To allow for a loan agreement and an increase in charges
*PSC-30-07-00007-P	..... exempt	Submetering of electricity by Sage Engineering Associates, LLP on behalf of New York Realty Partners	To submeter electricity at 218 W. Yard Road, Selkirk, NY
*PSC-30-07-00010-P	..... exempt	Attachment of Cingular's wireless facilities by Consolidated Edison Company of New York, Inc. and New Cingular Wireless PCS, LLC	To consider the petition for attachment of wireless facilities to Con Edison's transmission tower
PSC-32-07-00005-P	..... exempt	Buildout, primary service area and line extension policies for the Town of Urbana by Empire Video Services Corporation	To construct their cable television system within their telephone company's footprint
PSC-35-07-00009-P	..... exempt	Rehearing of order by Cable Telecommunications Association of New York, Inc.	To rehear the order
PSC-35-07-00012-P	..... exempt	Issues of stock, bonds and other forms of indebtedness; charges by Chaffee Water Works Company	To enter into a loan agreement and increase charges
PSC-36-07-00007-P	..... exempt	Acquisition of Energy East Corporation, et al. by Iberdrola, S.A.	To approve the acquisition
PSC-37-07-00011-P	..... exempt	Energy efficiency portfolio standard; fast track	To consider whether to adopt general principles to guide the process of creating and implementing the EPS
PSC-37-07-00012-P	..... exempt	Energy efficiency portfolio standard; general principles	To consider whether to adopt general principles to guide the process of creating and implementing the EPS
PSC-37-07-00013-P	..... exempt	Energy efficiency portfolio standard; natural gas surcharge	To consider whether to establish a natural gas surcharge to fund natural gas efficiency programs
PSC-37-07-00014-P	..... exempt	Energy efficiency portfolio standard; electric system benefit charge increase	To consider whether to increase the system benefit charge in order to fund a number of "fast track" energy efficiency programs
PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
PSC-41-07-00011-P	..... exempt	Approval of new types of gas meters and accessories by Valley Energy Incorporated	To permit gas utilities in New York State to use Elster TRACE DGT and SGT and transponders

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-41-07-00015-P	..... exempt	Establishing an electric surcharge to fund energy efficiency programs	To consider establishing a surcharge
PSC-41-07-00016-P	..... exempt	Reallocation of system benefit charge funds by New York State Energy Research and Development Authority	To consider whether the commission should authorize the reallocation of a portion of the funds
PSC-41-07-00018-P	..... exempt	Recommendations for energy efficiency programs	To consider whether the commission should partner with DASNY for the imposition of a tariffed utility charge on customers
PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
PSC-42-07-00017-P	..... exempt	Discontinuance of water service by Groman Shores LLC	To allow the company to abandon its water system
PSC-43-07-00016-P	..... exempt	Modification of bills by New York State Electric & Gas Corporation	To facilitate the comparison of utility energy commodity prices to prices offered by Energy Services Companies
PSC-43-07-00023-P	..... exempt	Standards relating to electric and gas metering equipment	To consider the standards for use in the course of providing utility service in New York State
PSC-43-07-00024-P	..... exempt	Issuance of securities and amendment of certificate of incorporation by The Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York, et al.	To issue a new class of preferred stock and amend both companies' certificate of incorporation
PSC-43-07-00025-P	..... exempt	Provision of steam service under the certificate of public convenience and necessity by AG-Energy, L.P.	To consider the cessation of steam service and relinquishment of the certificate
PSC-43-07-00026-P	..... exempt	Water rates and charges by the Birch Hill Water Supply Corporation	To continue the corporation's escrow account to cover the cost of redeveloping two wells
PSC-44-07-00038-P	..... exempt	Energy efficiency programs by Central Hudson Gas and Electric Corporation	To consider the program
PSC-44-07-00039-P	..... exempt	Issuance of and sale of preferred stock, bonds and other forms of indebtedness by Rochester Gas and Electric Corporation	To finance transactions
PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
PSC-45-07-00006-P	..... exempt	Monetary incentives by the National Resources Defense Council	To implement and conduct energy efficiency programs
PSC-45-07-00007-P	..... exempt	Delegation of authority	To consider delegating authority
PSC-47-07-00020-P	..... exempt	Refund of transmission service overcharges by the Village of Sherburne	To use a portion of the refund for a capital project
PSC-48-07-00010-P	..... exempt	Water rates and charges by Hill Waterworks Corp.	To increase annual revenues
PSC-48-07-00011-P	..... exempt	Use of the voluntary State funding mechanism by Northeast Gas Association	To allow the voluntary State funding mechanism to be used for research
PSC-48-07-00012-P	..... exempt	Financing and water rates and charges by Birch Hill Water Supply Corporation	To approve financing

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-49-07-00008-P	..... exempt	Modification of utility tariffs and interruptible customer fuel inventory requirements	To consider whether and how to modify the tariffs of local distribution companies and/or change the alternate fuel inventory requirements for interruptible gas customers
PSC-49-07-00011-P	..... exempt	Service Quality Assurance Program by Niagara Mohawk Power Corporation d/b/a National Grid	To modify reliability targets
PSC-49-07-00012-P	..... exempt	Master metering of water to a multiple dwelling by the Village of Spring Valley	To waive the requirement of separate water meters for each dwelling within an apartment, co-operative or condominium development
PSC-50-07-00008-P	..... exempt	Transmission and distribution capital investment plan by Niagara Mohawk Power Corporation d/b/a National Grid	To consider transmission and distribution capital investment plan
PSC-51-07-00005-P	..... exempt	Submetering of electricity by Herbert E. Hirschfeld	To submeter electricity at 95 Christopher St., New York, NY
PSC-52-07-00003-P	..... exempt	Complaint regarding alleged misuse of proprietary information by Cable Telecommunications Association of New York, et al.	To consider the complaint against Verizon
PSC-01-08-00023-P	..... exempt	Interconnection agreement between Citizens Telecommunications Company of New York, Inc. and Talk America d/b/a Cavalier Telephone LLC	To review the terms and conditions of the negotiated agreement
PSC-01-08-00024-P	..... exempt	Interconnection agreement between Verizon New York Inc. and First Communications, LLC	To review the terms and conditions of the negotiated agreement
PSC-01-08-00025-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Sky Satellite Corp.	To review the terms and conditions of the negotiated agreement
PSC-01-08-00026-P	..... exempt	Interconnection agreement between Verizon New York Inc. and M5 Networks, Inc.	To review the terms and conditions of the negotiated agreement
PSC-01-08-00027-P	..... exempt	Interconnection agreement between Frontier Communications of AuSable Valley, Inc. and Sprint Spectrum L.P.	To review the terms and conditions of the negotiated agreement
PSC-01-08-00028-P	..... exempt	Interconnection agreement between Frontier Communications of Seneca-Gorham, Inc. and Sprint Spectrum L.P.	To review the terms and conditions of the negotiated agreement
PSC-01-08-00029-P	..... exempt	Interconnection agreement between Ogden Telephone Company and Sprint Spectrum L.P.	To review the terms and conditions of the negotiated agreement
PSC-01-08-00031-P	..... exempt	Recovery of costs of an energy efficiency program by the New York Association of Public Power	To approve the recovery of a charge of one mill per kWh to pay for an enhanced energy efficiency program
PSC-01-08-00032-P	..... exempt	Submetering of electricity by 447-453 West 18 LP	To submeter electricity at 447 W. 18th St., New York, NY
PSC-01-08-00033-P	..... exempt	Uniform system of accounts by Central Hudson Gas & Electric Corporation	To defer accounting treatment for certain expenses beyond the end of the year in which expenses were incurred
PSC-01-08-00036-P	..... exempt	Stray voltage testing by Orange and Rockland Utilities, Inc.	To ensure the safe operation of electric facilities
PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
PSC-03-08-00004-P	..... exempt	Submetering of electricity by 343 LLC	To submeter electricity at 353 Fourth Ave., Brooklyn, NY

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-03-08-00005-P	..... exempt	Joint proposal regarding the provision of water service by United Water New Rochelle, Inc., et al.	To consider the joint proposal executed on Dec. 19, 2007
PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
PSC-04-08-00009-P	..... exempt	Waiver of commission's policy by United Development Corporation	To waive the policy prohibiting rent inclusion of electricity in new residential construction
PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
PSC-04-08-00011-P	..... exempt	Revocation of stock purchase and other regulatory authorizations	To upset the commission's prior order
PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
PSC-05-08-00023-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Manhattan Telecommunications Corporation	To amend the agreement
PSC-05-08-00024-P	..... exempt	Interconnection agreement between Time Warner Telecom Holdings, Inc. and Pac-West Telecomm	To review the terms and conditions of the negotiated agreement
PSC-05-08-00025-P	..... exempt	Revision of reliability rules by the New York State Reliability Council	To revise reliability rules
PSC-05-08-00026-P	..... exempt	Method for cost allocation and cost recovery for non-transmission regulatory backstop projects conducted by jurisdictional entities	To adopt a method
PSC-07-08-00015-P	..... exempt	Temporary rates and charges by Sagamor Water Corp.	To set the appropriate level of permanent rates
PSC-08-08-00015-P	..... exempt	Submetering of electricity by Bay City Metering Company, Inc. on behalf of The O'Connor Group	To submeter electricity at 200 200 E 66th St., New York, NY
PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
PSC-08-08-00018-P	..... exempt	Mini rate filing by the Village of Akron	To increase annual electric revenues
PSC-08-08-00019-P	..... exempt	Transfer of property by KeySpan Energy Delivery of New York	To consider the transfer
PSC-08-08-00020-P	..... exempt	Application information requirements by Hudson Transmission Partners LLC	To determine the form of the application that should be prescribed
PSC-08-08-00021-P	..... exempt	Rehearing of cable television franchise (Town of Ossining) by Verizon New York Inc.	To consider the rehearing
PSC-08-08-00022-P	..... exempt	Rehearing of cable television franchise (Village of Briarcliff Manor) by Verizon New York Inc.	To consider the rehearing
PSC-08-08-00023-P	..... exempt	Rehearing of cable television franchise (Village of Sleepy Hollow) by Verizon New York Inc.	To consider the rehearing
PSC-08-08-00024-P	..... exempt	Rehearing of cable television franchise (Village of Ossining) by Verizon New York Inc.	To consider the rehearing

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-08-08-00025-P	..... exempt	Water rates and charges by Top O' The World Water Co., Inc.	To increase annual revenues
PSC-08-08-00026-P	..... exempt	Rehearing of cable television franchise (Town of Fallsburg) by Time Warner Cable LLC d/b/a Time Warner Cable	To consider the rehearing
PSC-09-08-00006-P	..... exempt	Door-to-door sales practices by National Fuel Gas Distribution Corporation	To comply with standards governing door-to-door sales of natural gas
PSC-09-08-00007-P	..... exempt	Franchise renewal by Time Warner Entertainment-Advance/Newhouse Partnership	To clarify or reconsider certain aspects of the cable television franchise with the City of Cohoes
PSC-09-08-00008-P	..... exempt	Water rates and charges by Aqua New York, Inc.	To consolidate tariffs, increase rates and implement a new rate design
PSC-10-08-00012-P	..... exempt	Implementation of recommendations by Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff report or show cause why they should not be implemented
PSC-11-08-00005-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Crossroads Wireless Holding, LLC	To review the terms and conditions of the negotiated agreement
PSC-11-08-00006-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Gridway Communications Corp.	To review the terms and conditions of the negotiated agreement
PSC-11-08-00007-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Fibernetics USA, Inc.	To review the terms and conditions of the negotiated agreement
PSC-11-08-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Wholesale Carrier Services, Inc.	To review the terms and conditions of the negotiated agreement
PSC-11-08-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and MetroPCS New York, LLC	To review the terms and conditions of the negotiated agreement
PSC-11-08-00010-P	..... exempt	Interconnection agreement between Berkshire Telephone Company/Taconic Telephone Corporation d/b/a FairPoint Communications and Cavalier Telephone LLC	To review the terms and conditions of the negotiated agreement
PSC-11-08-00013-P	..... exempt	Rehearing and clarification of commission's order by Orange and Rockland Utilities, Inc.	To rehear the commission's order
PSC-11-08-00014-P	..... exempt	Standard agreement for wire pole attachments	To consider modifying the requirement
PSC-11-08-00016-P	..... exempt	Major rate filing by Consolidated Edison Company of New York, Inc.	To increase annual steam revenues by approximately \$126.6 million
PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
PSC-12-08-00020-P	..... exempt	Extend the provisions of the existing electric rate plan (Case 03-E-0765) by Rochester Gas and Electric Corporation	To consider the request
PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
PSC-12-08-00026-P	..... exempt	New tariff schedule by the Village of Bergen	To provide for the conversion of the tariff to become effective June 1, 2008

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-12-08-00027-P	..... exempt	New types of gas meters and accessories by Consolidated Edison Company of New York	To permit gas utilities in New York State to use Itron 100G automatic meter reading modules
PSC-13-08-00009-P	..... exempt	Deferral of capital investment plan expenditures by Niagara Mohawk Power Corporation	To defer certain capital investment expenditures
PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
PSC-13-08-00014-P	..... exempt	Modifications to the Uniform Business Practices	To consider modifications to the UBP
PSC-14-08-00005-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Brandwidth.com CLEC, LLC	To review the terms and conditions of the negotiated agreement
PSC-14-08-00007-P	..... exempt	Requirements for natural gas pipeline capacity by St. Lawrence Gas Corporation	To determine whether to waive the requirement to comply with a commission rule
PSC-15-08-00011-P	..... exempt	Liability provisions for electric service by Central Hudson Gas & Electric Corporation	To clarify the provisions
PSC-15-08-00012-P	..... exempt	Liability provisions for gas service by Central Hudson Gas & Electric Corporation	To clarify the provisions
PSC-15-08-00013-P	..... exempt	Water rates and charges by Fishers Island Water Works Corp.	To finance capital improvements to its water system
PSC-16-08-00010-P	..... exempt	Pole attachment rates by Central Hudson Gas & Electric Corporation	To update the pole attachment rate for cable system operators and telecommunication carriers
PSC-16-08-00013-P	..... exempt	PEG and catch-all language by the Westchester Cable Television Consortium	To consider the request for clarification
PSC-17-08-00028-P	..... exempt	Intercarrier agreement to interconnect telephone networks for the provisioning of local exchange service	To amend the Verizon New York Inc. and MetroPCS New York, LLC interconnection agreement
PSC-17-08-00029-P	..... exempt	Mini rate filing by the Village of Richmondville	To increase annual electric revenues by approximately \$159,000 or 15.9 percent
PSC-18-08-00006-P	..... exempt	Resolution of the prudence proceeding, initiated in connection with the 2006 Long Island City network outages	To consider Con Edison's actions and the extent to which the company should be permitted to recover costs relating to outages
PSC-18-08-00007-P	..... exempt	Intercarrier agreement to interconnect telephone networks for the provisioning of local exchange service	To amend Verizon & Comcast Phone of New York, LLC (f/k/a Carmel Telephone Services, Inc.) interconnection agreement
PSC-19-08-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and Telephone Operating Company of Vermont LLC	To review the terms and conditions of the negotiated agreement
PSC-19-08-00009-P	..... exempt	Consolidated Edison Company of New York, Inc.'s report on 2007 performance under electric service reliability performance mechanism	To consider whether all performance standards have been met
PSC-19-08-00010-P	..... exempt	Major rate filing by Orange and Rockland Utilities, Inc.	To increase annual electric revenues
PSC-19-08-00011-P	..... exempt	Submetering of electricity by Riverstone Residential NE, LLC	To submeter electricity at One City Place, White Plains, NY

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-19-08-00012-P	..... exempt	Submetering of electricity by 138 Court Street, LLC	To submeter electricity at 138 Court St., Brooklyn, NY
PSC-19-08-00013-P	..... exempt	Submetering of electricity by 194 Atlantic Ave., LLC	To submeter electricity at 194 Atlantic Ave., Brooklyn, NY
PSC-19-08-00014-P	..... exempt	Submetering of electricity by 2130 George Investors LLC	To submeter electricity at 2130-2138 Adam Clayton Powell Jr. Blvd., New York, NY
PSC-19-08-00015-P	..... exempt	Transfer of water supply assets of Davenport Water Company to the Town of Davenport	To approve the transfer
PSC-19-08-00016-P	..... exempt	Petition for rehearing by Cablevision of Southern Westchester, Inc.	To consider the rehearing
PSC-20-08-00029-P	..... exempt	Transfer of ownership of electric and steam plant by KeySpan Ravenswood Services Corporation, et al.	To consider the transfer
PSC-21-08-00005-P	..... exempt	Amended petition for the submetering of electricity	To consider the request of Herbert E. Hirschfeld, on behalf of West Village Houses, to amend its original petition
PSC-22-08-00003-P	..... exempt	Interconnection of the networks for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Verizon New York Inc. and Finger Lakes Technologies Group, Inc.
PSC-22-08-00004-P	..... exempt	Gas energy efficiency collaborative	To consider Consolidated Edison Company of New York, Inc.'s gas efficiency collaborative filing with the commission
PSC-22-08-00005-P	..... exempt	Interconnection of the networks for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Verizon New York Inc. and TeleQuality Communications Inc.
PSC-22-08-00006-P	..... exempt	Water rates and charges	To allow recovery of revenue losses due to reduced sales
PSC-22-08-00007-P	..... exempt	Rates and charges	To allow the company to surcharge customers for increased water costs and defer certain water costs until recovered
PSC-22-08-00008-P	..... exempt	Water rates and charges	To increase rates, implement a new rate design, and going forward approve automatic rate increases for Bonville Water Company
PSC-22-08-00009-P	..... exempt	Water rates and charges	Increase rates and surcharge for major renovations and going forward approve automatic rate increases for Knolls Water Co., Inc.
PSC-22-08-00010-P	..... exempt	Water rates and charges	To increase rates, implement a new rate design and going forward approve automatic rate increases for Arbor Hills Waterworks, Inc.
PSC-23-08-00007-P	..... exempt	Petition for the submetering of electricity	To consider the request of Linden Plaza Preservation, LP to submeter electricity at Linden Plaza, Brooklyn, New York
PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-23-08-00009-P	..... exempt	The transfer of certain real property with an original cost under \$100,000 in the Town of Throop	To consider the filing for the transfer of certain real property in the Town of Throop
PSC-23-08-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of Riverview II Preservation, LP, to submeter electricity at 47 Riverdale Avenue, Yonkers, New York
PSC-23-08-00011-P	..... exempt	The transfer of certain real property with an original cost under \$100,000 in the City of Glens Falls	To consider the filing for the transfer of certain real property in the City of Glens Falls
PSC-23-08-00012-P	..... exempt	Issues of stock, bonds and other forms of indebtedness; charges	To consider the Forever Wild Water Company Inc.'s plan to enter into a loan agreement to upgrades
PSC-23-08-00013-P	..... exempt	Water rates and charges	For approval to increase Forever Wild Water Company, Inc.'s annual revenues by about \$167,000 or 140%
PSC-24-08-00007-P	..... exempt	Approval of new types of electricity meters, transformers, and auxiliary devices	To use the Kuhlman instrument transformers types KA- 72 through KA-245, and types KXM-350 through KXM-1050
PSC-25-08-00005-P	..... exempt	The potential for additional follow-on merger credits to inure to the benefit of Niagara Mohawk ratepayers	To apply additional follow-on merger credits from the KeySpan acquisition to the benefit of Niagara Mohawk ratepayers
PSC-25-08-00006-P	..... exempt	Deferred accounting treatment & rate recovery of previously unrecovered lost & unaccounted for gas incentive monies	To defer and recover previously unrecovered lost and unaccounted for gas incentive monies and all other related matters
PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
PSC-26-08-00018-P	..... exempt	To defer and recover excess water charges	To consider the deferral and recovery of certain excess water charges and the recovery of prospective excess water charges
PSC-26-08-00019-P	..... exempt	Request by NYRI for a waiver of the application requirement contained in 16 NYCRR §§ 86.8(b) and 88.4(a)(4)	To consider NYRI's motion in connection with its application for an electric transmission line
PSC-26-08-00020-P	..... exempt	Water rates and charges	To increase JD Water Company, Inc.'s annual revenues by \$60,036 or approximately 54%
PSC-26-08-00021-P	..... exempt	To modify rates and charges	To allow the company to charge developers \$10,000 for each new home attached to the water system
PSC-27-08-00005-P	..... exempt	Petition for the submetering of electricity	To consider the request of Accurate Energy Group, to submeter electricity at 140 East 63rd Street, New York, New York
PSC-27-08-00006-P	..... exempt	Petition for the submetering of electricity	To consider the request of 1240 First Avenue LLC, to submeter electricity at 400 East 67th Street, New York, New York
PSC-27-08-00007-P	..... exempt	Expansion of Con Edison's ESCO referral program to include new customers	Whether and to what extent the Commission should direct Con Edison to expand its ESCO referral program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-27-08-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of United Development Corporation, to submeter electricity at 370 Route 13, Cortlandville, New York
PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
PSC-28-08-00005-P	..... exempt	Intercarrier agreement to interconnect telephone networks for the provisioning of local exchange service	To amend the Verizon New York Inc. and Crossroads Wireless Holding, LLC interconnection agreement
PSC-28-08-00006-P	..... exempt	Interconnection of the networks between Windstream and Finger Lakes for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Windstream and Finger Lakes
PSC-28-08-00007-P	..... exempt	Interconnection of the networks between Verizon and PNG for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Verizon and PNG
PSC-29-08-00006-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul, to submeter electricity at 67-113 Lindwood Street, Warsaw, New York
PSC-29-08-00007-P	..... exempt	Approval of an amendment to an electric service agreement	Consideration of the approval an amendment to an electric service agreement
PSC-29-08-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of Park Hill Housing, LLC, to submeter electricity at 63-34 South Street, Middletown, New York
PSC-29-08-00009-P	..... exempt	Issuance of long-term indebtedness in the principal amount of \$6,000,000	Issuance of long-term indebtedness
PSC-29-08-00010-P	..... exempt	Waiver of 9 NYCRR sections 894.1 through 894.4 and 894.4(b)(2)	To allow the Town of Torrey (Yates County) and Time Warner Cable to expedite the cable television franchising process
PSC-29-08-00011-P	..... exempt	Waiver of 16 NYCRR sections 894.1, 894.2, 894.3 and 894.4	To allow the Town of Butler (Wayne County) and Time Warner Cable to expedite the cable television franchising process
PSC-29-08-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of The Mark Hotel LLC, to submeter electricity at 25 East 77th Street, New York, New York
PSC-30-08-00008-P	..... exempt	Issues of stock, bonds and other forms of indebtedness and charges	To allow Pheasant Hill Water to enter into a loan agreement and to charge customers a surcharge
PSC-30-08-00009-P	..... exempt	Capacity Release Program	To make revisions to KEDNY's Capacity Release Program to accommodate marketers' needs in the non-winter months
PSC-30-08-00010-P	..... exempt	Capacity Release Program	To make revisions to KEDLI's Capacity Release Program to accommodate marketers' needs in the non-winter months
PSC-31-08-00017-P	..... exempt	Purchase of Accounts Receivable Program filed by KEDNY	To develop recommendations for a Purchase of Accounts Receivable Program to be implemented by KEDNY
PSC-31-08-00018-P	..... exempt	Weather normalization adjustment calculation	To make revisions to KEDLI's weather normalization adjustment calculation to remove the 2.2% deadband
PSC-31-08-00019-P	..... exempt	Disposition of tax refund	To determine how much of a tax refund should be retained by Verizon New York Inc.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-31-08-00020-P	..... exempt	Issuance of securities	To permit the company to issue and sell securities
PSC-31-08-00021-P	..... exempt	Interim energy efficiency program and lost revenue mechanism for Niagara Mohawk Power Corporation	To develop and implement an interim energy efficiency program and lost revenue mechanism for Niagara Mohawk Power Corporation
PSC-31-08-00022-P	..... exempt	Modifications in the current process used to calculate Environmental Disclosure Labels	Improve the efficiency of the current process while providing more flexibility to current market participants
PSC-31-08-00023-P	..... exempt	Funds would be reallocated to the anaerobic digester--electricity and solar PV programs in the customer-sited tier	To respond to demonstrated demand and changing market need for solar PV and anaerobic digester technologies
PSC-31-08-00024-P	..... exempt	Transfer of water supply assets	To transfer the water plant assets of Roland Properties, Inc., f/k/a Knollwood Water Company, to J.J. Gokey Properties, Inc.
PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
PSC-31-08-00026-P	..... exempt	Weather normalization adjustment calculation	To make revisions to KEDNY's weather normalization adjustment calculation to remove the 2.2% deadband
PSC-32-08-00008-P	..... exempt	Market Supply Charge (MSC)	A plan that revises its MSC so that the MSC reflects actual day-ahead market prices.
PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008.	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program.
PSC-32-08-00010-P	..... exempt	The gas Revenue Decoupling Mechanism report filed by Consolidated Edison Company of New York, Inc. in Case 06-G-1332.	To develop recommendations for a gas Revenue Decoupling Mechanism.
PSC-32-08-00011-P	..... exempt	Waiver of P.S.C. No. 3 - Steam, P.S.C. No. 9- Gas and 16 NYCRR Part 13	To permit credits to certain steam and gas customers who were unable to access their permises during the July 2008 steam rupture
PSC-32-08-00012-P	..... exempt	Policies and procedures regarding safety and reliability.	To establish policies and procedures regarding the safety and reliability of Verizon's optical network terminals.
RACING AND WAGERING BOARD			
RWB-33-07-00005-ERP	..... 08/14/08	Internet and telephone account wagering on horseracing	To ensure the integrity of pari-mutuel wagering
REAL PROPERTY SERVICES, OFFICE OF			
RPS-16-08-00006-P	..... 05/14/09	Annual charges to railroad companies	To restore the process of establishing annual charges that was unintentionally deleted in a prior rule making
STATE, DEPARTMENT OF			
DOS-51-07-00001-P	..... 12/18/08	Medium or format copies of the uniform commercial code documents	To provide for expanded forms of data transfer
DOS-30-08-00012-P	..... 07/23/09	Local Government Efficiency Grant Program	To establish eligibility requirements and criteria for local government efficiency awards program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE, DEPARTMENT OF			
DOS-32-08-00006-P	..... 08/06/09	Installation, servicing or maintaining of security or fire alarm systems	To add an additional qualifying education module for licensure under Article 6-D of the General Business Law.
DOS-32-08-00007-P	..... 08/06/09	Cease and desist zone for the County of Kings	To extend and expand an existing cease and desist zone for the County of Kings
STATE UNIVERSITY OF NEW YORK			
SUN-22-08-00011-P	..... 05/28/09	Proposed amendment to policies of the Board of Trustees relating to the student assembly president serving as a trustee	To conform the policies of the Board of Trustees on seating the student assembly president as a trustee with the Education Law
SUN-23-08-00001-P	..... 06/04/09	Trustee's student activity fee policy relating to the use of advisory referenda	To preclude use of advisory referenda in connection with allocating the activity fee by student government
SUN-27-08-00009-P	..... 07/02/09	Traffic and parking regulations of SUNY College at Buffalo	To make certain technical changes and amend existing regulations to parking permits, towing and fines
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-24-08-00005-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period July 1, 2008 through September 30, 2008
TAF-24-08-00006-EP	..... 06/18/09	Cigarette tax	To implement statutory provisions and set commissions to agents for affixing cigarette stamps relating to the new rate of tax
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-16-08-00002-P	..... 04/16/09	Home Energy Assistance Program	To relocate an undesignated paragraph concerning regular Home Energy Assistance Program benefits to a more appropriate location
TDA-17-08-00032-P	..... 04/23/09	State-confirmed human trafficking victims	To govern the process and protocols for confirming an individual as a human trafficking victim in New York State
TDA-25-08-00009-P	..... 06/18/09	Public assistance	To provide that all of the earned income of a dependent child who is a full-time or part-time student is exempt and must not be counted as income when determining eligibility for public assistance
TDA-28-08-00002-P	..... 07/09/09	Home Energy Assistance Program	Establish a new Home Energy Assistance Program benefit level for low-income households in certain living arrangements.
TDA-28-08-00003-P	..... 07/09/09	Food Stamp Program	Establish a new Food Stamp budgeting methodology for certain residents in group living arrangements.
TRANSPORTATION, DEPARTMENT OF			
TRN-03-08-00003-P	..... 01/15/09	Payment of moving and related expenses to displaced persons	To clarify and conform State regs to Federal regs with respect to payment of relocation assistance benefits

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TRANSPORTATION, DEPARTMENT OF			
TRN-09-08-00003-P	..... 02/26/09	Warning lamp requirements for nondivisible load permitted vehicles	To remove language requiring vehicle headlights be on during daylight operation
WORKERS' COMPENSATION BOARD			
WCB-08-08-00010-P	..... 02/19/09	Pharmacy and durable medical equipment fee schedules	To adopt pharmacy and durable medical equipment fee schedules
WCB-31-08-00016-P	..... 07/30/09	Indexing of Workers' Compensation claims and expedited processing of controverted claims	To provide a process to resolve controverted claims within 90 days

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

06 E Dubai/ Twice Forbidden, LLC
800 Arbor Dr. N, Louisville, KY 40223

06 Lion Heart/Moments Delight, LLC
800 Arbor Dr. N, Louisville, KY 40223

06 Tiger Ridge/E.M. Barbie Doll, LLC
800 Arbor Dr. N, Louisville, KY 40223

3660 Broadway LLC
% Hamilton Heights Management, LLC, Nine Bedford Place,
Brooklyn, NY 11216

ABS Investment Fund VII, LP
707 Broadway, Suite 1800, San Diego, CA 92101
Partnership — A.B.S.I.G. LLC

Action Sports, Inc.
800 Hingham St., Rockland, MA 02370
State or country in which incorporated — Delaware

Advantagedge Healthcare Holdings, Inc.
30 Technology Dr., Warren, NJ 07059
State or country in which incorporated — Delaware

Alkeon Global Alpha Ltd.
% Morgan Stanley Fund Services (Bermuda) Ltd., P.O. Box 15000,
Hambleden House, 19/26 Lower Pembroke St., Dublin 2, Ireland

Allied Energy, Inc.
2800 Griffin Dr., Bowling Green, KY 42103
State or country in which incorporated — Kentucky

Alternative Investment Partners Absolute Return Fund II A
One Tower Bridge, 100 Front St., Suite 1100, W. Conshohocken,
PA 19428
State or country in which incorporated — Delaware

Alternative Investment Partners Absolute Return Fund II P
One Tower Bridge, 100 Front St., Suite 1100, W. Conshohocken,
PA 19428

State or country in which incorporated — Delaware

Ardmore Holding Corporation
Xingguang Rd. No. 9, Northern Industrial Park of Zhongbei Town,
Xiqing District, Tianjin City, China 300201
State or country in which incorporated — Delaware

Ark Connecticut Investment I LLC
% Ark Restaurants Corp., 85 Fifth Ave., New York, NY 10003
State or country in which incorporated — Delaware

Artis Partners 2X Ltd.
% Goldman Sachs Administration Services, Gardenia Ct., Suite
3307, 45 Market St., Camana Bay, P.O. Box 896, KY1-1103,
Cayman Islands

Atlas Financial Fund, LLC
135 E. 57th St., New York, NY 10022

Avanti Strategic Land Investors VI, L.L.L.P.
% Avanti Properties Group II, L.L.L.P., 923 N. Pennsylvania Ave.,
Winter Park, FL 32789
Partnership — Avanti Properties Group II, L.L.L.P. — Avanti Real
Estate Holdings, LLLP

AVI Value Fund LLC
% Asset Value Investors (Cayman) Ltd., PO Box 309GT, Ugland
House, S. Church St., George Town, Grand Cayman, Cayman
Islands
State or country in which incorporated — Delaware

BAETA Corp.
253 Warren Ave., Fort Lee, NJ 07024
State or country in which incorporated — New Jersey

Baseball Enterprises LLC
1427 Clarkview Rd., Suite 100, Baltimore, MD 21209

Bishop & Carroll Long/Short Opportunities Fund, LP
853 Broadway, Suite 608, New York, NY 10003
Partnership — Bishop & Carroll Capital Management, LLC,
general partner

Braintree Capital Partners, LLC
145 Wood Rd., Braintree, MA 02184

Bug Labs, Inc.
915 Broadway, Suite 1109, New York, NY 10010
State or country in which incorporated — Delaware

Bulletin News Investment LLC
% Dubilier & Co., Inc., Clearwater House, 2187 Atlantic St., Stamford, CT 06902

Cable Forex Partners, LP
200 S. Service Rd., Suite 202, Roslyn Heights, NY 11577
Partnership — Cable Forex Manager, LLC

Cag Palm Coast Resort I, LLC
2403 River Tree Circle, Sanford, FL 32771

Capital Growth Planning, Inc.
405 E. Lexington Ave., Suite 201, El Cajon, CA 92020
State or country in which incorporated — California

Carbonyx, Inc.
1255 W. 15th St., Suite 320, Plano, TX 75075
State or country in which incorporated — Delaware

Carter Road Option Overlay Fund, LP
Two World Financial Center, 225 Liberty St., Suite 206207, New York, NY 10281
Partnership — Carter Road Option Overlay Partner, LLC

Centaurian Fund, L.P.
One Bridge Plaza, Suite 275, Fort Lee, NJ 07024

Chestnut Energy Partners, Inc.
5050 Quorum Dr., Suite 325, Dallas, TX 75254
State or country in which incorporated — Texas

CHS Private Equity VI-A LP
% Code Hennessy & Simmons LLC, 10 S. Wacker Dr., Suite 3175, Chicago, IL 60606
Partnership — CHS Management VI LP

CHS Private Equity VI-B LP
% Code Hennessy & Simmons LLC, 10 S. Wacker Dr., Suite 3175, Chicago, IL 60606
Partnership — CHS Management VI LP

ClearBridge Active Equity Flexible 130/30, LP
620 Eighth Ave., 48th Fl., New York, NY 10018
Partnership — ClearBridge Active Equity Flexible 130/30, LP

ClearBridge CDIP Feeder Fund, LP
620 Eighth Ave., 48th Fl., New York, NY 10018
Partnership — ClearBridge Active Equity Flexible 130/30, LP

ClearBridge Classic Value Flexible 130/30, LP
620 Eighth Ave., 48th Fl., New York, NY 10018
Partnership — ClearBridge Classic Value Flexible 130/30, LP

ClearBridge Focus Equity, LP
620 Eighth Ave., 48th Fl., New York, NY 10018
Partnership — ClearBridge Focus Equity, LP

ClearBridge Small/Mid Cap Focus, LP
620 Eighth Ave., 48th Fl., New York, NY 10018
Partnership — ClearBridge Small/Mid Cap Focus, LP

Clover Absolute Return Fund, LLC
400 Meridian Centre, Suite 200, Rochester, NY 14618

State or country in which incorporated — Delaware limited liability company

Commonwealth Capital Securities Corp.
400 Cleveland St., 7th Fl., Clearwater, FL 33755
State or country in which incorporated — Pennsylvania

Concord Equity Group, L.L.C.
16 William F. Palmer Rd., Moodus, CT 06469
State or country in which incorporated — Connecticut

The Conus Fund, L.P.
% Conus Capital, L.L.C., 49 W. 38th St., 11th Fl., New York, NY 10018
Partnership — Conus Capital, L.L.C., general partner

Conus Fund Offshore Limited, The
% Goldman Sachs (Cayman) Trust, Lintied, P.O. Box 896 GT, 2nd Fl., Harbour Centre, George Town, Grand Cayman, Cayman Islands
State or country in which incorporated — Cayman Islands

Conus Fund (QP), L.P., The
% Conus Capital, L.L.C., 49 W. 38th St., 11th Fl., New York, NY 10018
Partnership — Conus Capital, L.L.C., general partner

CSL Energy Fund, L.P.
% CSL Investment Partners, LLC, Nine Greenwich Office Park, Second Fl., Greenwich, CT 06831
Partnership — CSL Investment Partners, LLC, general partner

CSL Energy Offshore Fund, Ltd.
% Morgan Stanley Fund Services (Cayman) Ltd., Cricket Sq., 2nd Fl., Boundary Hall, Hutchins Dr., P.O. Box 2681, Grand Cayman, KY1-1111, Cayman Islands
State or country in which incorporated — Cayman Islands

Cue Ball Capital, LP
Nine East St., Boston, MA 02111
Partnership — Cue Ball Capital, LLC

CureMark, LLC
411 Theodore Fremd Ave., Suite 206, South Rye, NY 10580
State or country in which incorporated — Delaware

Cytogel, LLC
1540 Post Rd., Darien, CT 06820
State or country in which incorporated — Connecticut limited liability company

Direct Invest-Riverbend Executive Park, LLC
10 City Sq., Suite 200, Boston, MA 02129
State or country in which incorporated — Delaware

Direct Invest-Winding Brook Drive, LLC
10 City Sq., Suite 200, Boston, MA 02129
State or country in which incorporated — Delaware

Doggie Doc LLC, The
152 W. 57th St., 21st Fl., New York, NY 10019
State or country in which incorporated — New York

ECO2 Plastics, Inc.
680 Second Str., Suite 200, San Francisco, CA 94107
State or country in which incorporated — Delaware

Emerging Value Capital Management, LLC
182 E. 95th St., Suite 23E, New York, NY 10128
State or country in which incorporated — Delaware

Enstream Capital Securities, LLC
100 Crescent Court, Suite 700, Dallas, TX 75201

Envoy Realty Partners, LLC
2171 Jericho Turnpike, Suite LL4, Commack, NY 11725

Equibase Real Estate Fund II, LLC
% Equibase Capital Group, LLC, 1200 N. Ashland Ave., Suite 600,
Chicago, IL 60622

FCB Financial Corp.
111 Barnard St., Savannah, GA 31401
State or country in which incorporated — Georgia

Fenimore Research Fund, LLC
% Fenimore Asset Management, Inc., 384 N. Grand St., Cobleskill,
NY 12043-0310
State or country in which incorporated — Delaware

Fridson Credit Strategies Fund, L.P.
200 Park Ave., 45th Fl., New York, NY 10166
Partnership — Fridson Credit Strategies GP, LLC

Grosvenor New York Multifamily Fund, LP
1600 Market St., 13th Fl., Philadelphia, PA 19103
Partnership — GIM-NYC Investors I, LLC

Guardian Advisors LP II
32 W. 39th St., 12th Fl., New York, NY 10018
Partnership — KAF II Management Inc.

GunnAllen Financial, Inc.
5002 W. Waters, Tampa, FL 33634
State or country in which incorporated — Florida

Harbinger Capital Partners Offshore Fund I, Ltd.
% International Fund Services (Ireland) Limited, Third Fl., Bishop's
Sq., Redmond's Hill, Dublin 2, Ireland
State or country in which incorporated — Cayman Island, British
West Indies

IHP B&O LLC
55 E. Jackson Blvd., 21st Fl., Chicago, IL 60604

Illinois-Kansas-Oklahoma Oil & Gas, LLC
517 Lakeshore Rd., Bull Shoals, AR 72619

Investment Managers Series Trust
803 W. Michigan St., Suite A, Milwaukee, WI 53233
State or country in which incorporated — Delaware

Jewel Bond Fund, L.P., The
825 Third Ave., 2nd Fl., New York, NY 10022
Partnership — Jewel GP B, LLC

JPMorgan Distribution Services, Inc.
1111 Polaris Pkwy., Columbus, OH 43240

Kaminak Gold Corporation-Kivalliq Energy Corp.
Suite 1440 - 625 W. Georgia St., Vancouver, British Columbia,
Canada V6C 2T6
State or country in which incorporated — Canada

K & E Investment Partners, L.P. - 2008 DIF
200 E. Randolph Dr., Chicago, IL 60601
Partnership — K & E Investment Management, LLC

Kelson Onshore LP
880 Third Ave., New York, NY 10022
Partnership — Kelson US GP, LLC

Kinesis Software LLC
2004 Sproul Rd., Broomall, PA 19008

Koko Ltd.
6411 S. Auer, Spokane, WA 99223
State or country in which incorporated — Nevada

Laidlaw & Company (UK) Ltd.
90 Park Ave., 31st Fl., New York, NY 10016
State or country in which incorporated — United Kingdom

Magic Bus Investors, LLC
369 Croton Lake Rd., Bedford Corners, NY 10549

Mantara, Inc.
111 Towne Sq. Place, Jersey City, NJ 07310
State or country in which incorporated — Delaware

Massey Quick Absolute Return Fund, LLC
360 Mount Kimble Ave., Morristown, NJ 07960
Partnership — Massey Quick Absolute Management, LLC

Massey Quick Absolute Return Fund, Ltd.
360 Mount Kimble Ave., Morristown, NJ 07960
State or country in which incorporated — Virgin Islands

MCL Financial Group, Inc.
1869 W. Littleton Blvd., Littleton, CO 80120
State or country in which incorporated — Colorado

Mediaspectrum, Inc.
35 Corporate Dr., 4th Fl., Burlington, MA 01803
State or country in which incorporated — Delaware

MHM Sports, Inc.
55 Langdon Ct., Berlin, CT 06037
State or country in which incorporated — Florida

Miura Global Fund, Ltd.
% Fortis Prime Fund Solutions (BVI), Limited, P.O. Box 761, 3rd
Fl., Loring George Bldg., Road Town, Tortola, British Virgin Is-
lands 1110
State or country in which incorporated — British Virgin Islands

Miura Global Partners, LP
% Miura Global Capital, LLC, 101 Park Ave., 21st Fl., New York,
NY 10178

Partnership — Miura Global Capital, LLC

Miura Global Partners II, LP.
% Miura Global Capital, LLC, 101 Park Ave., 21st Fl., New York, NY 10178

Partnership — Miura Global Capital, LLC

Nanoprecision Holding Company, Inc.
11500 Olympic Blvd., Suite 400, Los Angeles, CA 90064
State or country in which incorporated — California

Neptune Industries, Inc.
21218 St. Andrews Blvd., Suite 645, Boca Raton, FL 33433-2449
State or country in which incorporated — Florida

Novian Health Inc.
430 W. Erie St., #500, Chicago, IL 60610
State or country in which incorporated — Illinois

Oracle Capital Securities, LLC
1985 E. River Rd., Suite 111, Tucson, AZ 85718

PIMCO Absolute Return Strategy III Onshore Fund LLC
% Pacific Management Company LLC, 840 Newport Center Dr., Suite 100, Newport Beach, CA 92660
State or country in which incorporated — Delaware

Polo Resources Limited
Craigmuir Chambers, Road Town, Tortola, British Virgin Islands
State or country in which incorporated — British Virgin Islands

Promana Solutions, Inc.
50 Cherry Hill Rd., Parsippany, NJ 07054
State or country in which incorporated — Nevada

Reg Technologies Inc.
240-11780 Hammersmith Way, Richmond, BC V7A 5E9 Canada
State or country in which incorporated — British Columbia, Canada

Resource Real Estate Investors 7, L.P.
One Crescent Dr., Suite 203, Navy Yard Corporate Center, Philadelphia, PA 19112
Partnership — Resource Capital Partners, Inc.

Riley James Development Corporation
Lone Star Securities, Inc., 15851 Dallas Pkwy., Suite 105, Addison, TX 75001
State or country in which incorporated — Texas

River Diamonds PLC
Carmelite, 50 Victoria Embankment, London, EC4Y, UK
State or country in which incorporated — England and Wales

Robert Pfitzner
3734 Canfield Ave., #334, Los Angeles, CA 90034
State or country in which incorporated — California

Roundstone Healthcare Partners III, L.P.
289 Great Rd., Suite 304, Acton, MA 01720
Partnership — Roundstone Healthcare Partners, LLC

Saffron Equipment, LLC
1725 Mt. Read Blvd., Rochester, NY 14606

State or country in which incorporated — New York limited liability company

Sankaty Credit Opportunities IV, L.P.
% Sankaty Advisors, LLC, 111 Huntington Ave., Boston, MA 02199

Partnership — Sankaty Credit Opportunities Investors IV, LLC

Sankaty Credit Opportunities (Offshore) IV, L.P.
% Sankaty Advisors, LLC, 111 Huntington Ave., Boston, MA 02199

Partnership — Sankaty Credit Opportunities Investors (Offshore) IV, L.P.

Security Equity Fund
One Security Benefit Place, Topeka, KS 66636
State or country in which incorporated — Kansas

Security Income Fund
One Security Benefit Place, Topeka, KS 66636
State or country in which incorporated — Kansas

Security Large Cap Value Fund
One Security Benefit Place, Topeka, KS 66636
State or country in which incorporated — Kansas

Seidler Oil & Gas, LP
7140 E. FM 917, Alvarado, TX 76009

Sigma Opportunity Fund II, LLC
800 Third Ave., New York, NY 10022
State or country in which incorporated — Delaware

SM L/S Offshore, Ltd.
% Admiral Administration Ltd., Admiral Financial Centre, 5th Fl., 90 Fort St., P.O. Box 32021 SMB, George Town, Grand Cayman, Cayman Islands, B.W.I. KY1-9002
State or country in which incorporated — Cayman Islands

South Street Capital Onshore Fund, L.P.
% South Street Capital Fund Management LLC, 369 Lexington Ave., New York, NY 10017
Partnership — South Street Capital Fund Management LLC

Spindle Research LLC
300 Central Park W, #11H, New York, NY 10024
Partnership — David P. Gold, Managing Member

Summit Rock Real Assets Portfolio I, L.P.
% Summit Rock Advisors, LLC, Nine W. 57th St., New York, NY 10019
Partnership — SRA Real Assets Portfolio I GP, L.L.C.

Tactics II Stem Cell Ventures (QP) LP
Attention: Anna M. Gevso, 780 N. Water St., Milwaukee, WI 53202
Partnership — Tactics II SC General Partner LLC

TAG Partners, LLC.
275 Madison Ave., 35th Fl., New York, NY 10016
Partnership — Paul Galvin & Joseph Tacopina, Managing Members

TriState Capital Holdings, Inc.
27th Fl., One Oxford Centre, Pittsburgh, PA 15219

State or country in which incorporated — Pennsylvania

UBS Financial Services, Inc.
1285 Avenue of the Americas, New York, NY 10019
State or country in which incorporated — Delaware

Vaquero US EM Cardit Fund LP
7373 Broadway, #405, San Antonio, TX 78209
Partnership — Vaquero Global Investment LP

Vulture Income Properties, LLC
6040 S. Durango Dr. #105, Las Vegas, NV 89113
State or country in which incorporated — Nevada

Wachovia Capital Markets, LLC
One N. Jefferson, St. Louis, MO 63103
State or country in which incorporated — Delaware

Watts Performance Fund, LP
% Watts Performance Fund GP, LLC, 655 Park Ave., Suite 6B,
New York, NY 10065
Partnership — Watts Performance Fund GP, LLC

Welsh Real Estate Fund IV, LLC
4350 Bake Rd., Suite 400, Minnetonka, MN 55343

Westchester Bank Holding Corporation, The
2001 Central Park Ave., Yonkers, NY 10710
State or country in which incorporated — Delaware

Westgate Financial Corp.
5 Marine View Plaza, Suite 402, Hoboken, NJ 07030
State or country in which incorporated — New Jersey

Z-Seven Fund, Inc.
8730 Stony Point Pkwy., Suite 205, Richmond, VA 23235
State or country in which incorporated — Maryland

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

NOTICE TO BIDDERS

Office of General Services
Procurement Services Group
Corning Tower, 37th Fl.
Empire State Plaza
Albany, NY

The following advance bid opening dates have been scheduled by the Procurement Services Group. The following listing is for information purposes only. Interested companies are encouraged to register for online notification of OGS bid opportunities by contacting <http://www.ogs.state.ny.us/ovr>.

August 6—Liquid bituminous materials (cold-in-place recycling—DOT specific projects), 11:00 a.m.

August 7—Small package delivery, wove envelopes—white regular and window and colors, regular, 11:00 a.m.

August 12—Natural gas (firm supply—fixed and indexed price) (interruptible supply—indexed price), 11:00 a.m.

Additional bid openings for the remainder of August will be scheduled necessarily following the date of this publication.

The right is reserved to make any additional change in dates and to schedule additional bid openings at any time without publication.

REPAIR MASONRY

New York Psychiatric Institute
New York, New York County

SEALED bids for Project No(s). Q1269-C, Construction Work, Masonry Repairs, Bldg. No. 4, New York Psychiatric Institute, 1051 Riverside Dr., New York, 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, Aug. 13, 2008, 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 \$10,100.

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

Pursuant to State Finance Law §§139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Designated staff are Frank Peris in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Director of Contract Administration, telephone (518)

474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at <http://www.ogs.state.ny.us> and go to About OGS, Rules Regulations and Policy, Advisory Council on Procurement Lobbying.

The completion date for this project is 210 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 July 31, 2008. Meet in the lobby of New York Psychiatric Institute, 1051 Riverside Dr., New York, 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 Kim Williams (845) 365-0730.

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 for this project are available on compact disc only, and may be obtained for \$8 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 *James M. Davies, AIA*
Acting Deputy Commissioner
Design and Construction

REPLACE ROOFING

State Armory, Dunkirk, Chautauqua County

SEALED bids for Project No(s). Q1305-C, Construction Work, Replace Roofing, Administration Area, State Armory, Main & Newton Streets, Dunkirk, 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 Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, Aug. 6, 2008, 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 \$20,200.

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 \$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.

Pursuant to State Finance Law §§139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Designated staff are Frank Peris in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewycky, Director of Contract Administration, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at <http://www.ogs.state.ny.us> and go to About OGS, Rules Regulations and Policy, Advisory Council on Procurement Lobbying.

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 210 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 July 24, 2008 at the State Armory, Main and Newton Streets, Dunkirk, 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 Kim Himes, (716) 532-5151 a minimum of 24 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 for this project are available on compact disc only, and may be obtained for \$8 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 *James M. Davies, AIA*
Acting Deputy Commissioner
Design and Construction

**PROVIDE
EXHAUST FANS
Kingsboro Psychiatric Center
Brooklyn, Kings County**

SEALED bids for Project No(s). Q1349-H, HVAC Work, Provide Exhaust Fans, Bldg. Nos. 1 and 2, Kingsboro Psychiatric Center, 681 Clarkson Ave., Brooklyn, 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, Aug. 13, 2008, 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 \$3,700.

The value of the contract is estimated to be between \$25,000 and \$50,000.

Pursuant to State Finance Law §§139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Designated staff are Frank Peris in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewycky, Director of Contract Administration, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at <http://www.ogs.state.ny.us> and go to About OGS, Rules Regulations and Policy, Advisory Council on Procurement Lobbying.

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 90 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 July 31, 2008. Meet at Kingsboro Psychiatric Center, OGS D&C field office, Bldg. No. 19, 681 Clarkson Ave., Brooklyn, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions, and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Deborah Gilfillan (718) 804-0730.

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 for this project are available on compact disc only, and may be obtained for \$8 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 *James M. Davies, AIA*
Acting Deputy Commissioner
Design and Construction

**REPAVE
ROAD**

Pilgrim Psychiatric Center
West Brentwood, Suffolk County

SEALED bids for Project No(s). 43637-C, Construction Work, Repave Road and Parking Lot and Repair Sidewalk, Bldg. No. 700, Pilgrim Psychiatric Center, 998 Crooked Hill Rd., West Brentwood, 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, Aug. 13, 2008, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the instructions to bidders and must be accompanied by a certified check, bank check or bid bond in the amount of \$18,200.

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 \$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.

Pursuant to State Finance Law §§139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to

solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Designated staff are Frank Peris in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewycky, Director of Contract Administration, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at <http://www.ogs.state.ny.us> and go to About OGS, Rules Regulations and Policy, Advisory Council on Procurement Lobbying.

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 210 days after the agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on July 31, 2008. Meet at Kings Park Psychiatric Center, Bldg. No. 701 parking lot, SOCR residence, 1501 the Blvd., Kings Park, NY (off Rte 25A). 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 Maria Cappai (631) 951-0248.

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 for this project are available on compact disc only, and may be obtained for \$8 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 *James M. Davies, AIA*
Acting Deputy Commissioner
Design and Construction

**REPLACE
HANGER FLOOR
MacArthur Airport
Ronkonkoma, Suffolk County**

SEALED bids for Project No(s). 43663-C, Construction Work, Replace Hanger Floor, Army Aviation Support Facility No. 1, MacArthur Airport, 201 Schaefer Dr., Ronkonkoma, 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 Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, Aug. 6, 2008, 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 \$36,500.

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 \$500,000 and \$1,000,000. The requirement for labor and material and performance bonds may be waived on a bid under \$200,000 on a single trade project.

Pursuant to State Finance Law §§139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Designated staff are Frank Peris in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Director of Contract Administration, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at <http://www.ogs.state.ny.us> and go to About OGS, Rules Regulations and Policy, Advisory Council on Procurement Lobbying.

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 240 days after the agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the

project area will be at 10:00 a.m. on July 24, 2008. Meet at the main building at MacArthur Airport, 201 Schaefer Dr., Ronkonkoma, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions, and security provisions will apply and all vehicles will be subject to search.

Phone the office of Maria Cappai, (631) 951-0248, a minimum of 24 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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 for this project are available on compact disc only, and may be obtained for \$8 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 James M. Davies, AIA
Acting Deputy Commissioner
Design and Construction*

**REPLACE
FRONT ENTRY STEPS
Executive Mansion,
Albany, Albany County**

SEALED bids for Project No(s). 43751-C, Construction Work, Replace Front Entry Steps, Executive Mansion, 138 Eagle St., Albany, 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 General Services, until 2:00 p.m. on Wednesday, Aug. 13, 2008, 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 \$8,500.

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

Pursuant to State Finance Law §§139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Designated staff are Frank Peris in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Director of Contract Administration, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law

requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at <http://www.ogs.state.ny.us> and go to About OGS, Rules Regulations and Policy, Advisory Council on Procurement Lobbying.

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 the time stated in section 01110 of the specifications. Due to the tightness of the construction schedule, bidders should consider the necessity for any 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 July 31, 2008, at the Executive Mansion, 138 Eagle St., Albany, 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 Elisabeht Bakker Johnson (518) 474-6195.

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 for this project are available on compact disc only, and may be obtained for \$8 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 *James M. Davies, AIA*
Acting Deputy Commissioner
Design and Construction

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Department of Health
Riverview Center, Rm. 350
150 Broadway
Albany, NY 12204-0676

Department of Health
Division of Home and Community Based Services
161 Delaware Avenue
Delmar, NY 12054

LOCAL HEALTH DEPARTMENTS; COMMUNITY HEALTH CENTERS; NOT-FOR-PROFIT HOSPITALS; NON-PROFIT ORGANIZATIONS THAT WORK LOCALLY OR STATEWIDE; ACADEMIC INSTITUTIONS; NUTRITION, PHYSICAL ACTIVITY, OR OBESITY COALITIONS; AND COOPERATIVE EXTENSION AGENCIES

Healthy Eating and Active Living by Design RFA # 0807170154

Applications will be accepted through October 3, 2008, for increasing opportunities for physical activity or healthier food choices for a significant proportion of the target population by implementing evidence-based policy and environmental interventions at the community level. Priority will be given to projects addressing low-income populations. Research should demonstrate that the intervention selected increases physical activity or increases the consumption of healthy foods. Interventions targeting worksites and schools (students or staff) are not eligible for funding under this RFA because the Healthy Heart Program provides other funds for school and worksite projects. Exceptions are projects that propose to increase active commuting (walking or bicycling to work or school) or projects that propose to open school facilities for use by the public.

The RFA will provide a total of \$950,000 annually to fund 12 applicants. Applicants from all counties, except New York, Brooklyn, Kings, Queens, Bronx, Richmond, Suffolk, Nassau, and Westchester, and organizations working statewide, may request up to \$73,000 annually. Applicants from New York, Brooklyn, Kings, Queens, Bronx, Richmond, Suffolk, Nassau, and Westchester, and organizations working statewide may request up to \$83,000 annually.

A minimum score of 70 points is required to be considered for funding. The two highest scoring proposals from each of the five regions that meet the minimum of 70 points will be funded, as well as the two highest scoring statewide applications that meet the minimum of 70 points. If there are fewer than two proposals from a region (or statewide) that score the minimum of 70 points, only the proposals meeting the 70 point minimum will be funded in that region (or statewide). In that event, the next highest scoring proposals will be funded, regardless of which region those proposals cover or if they are regional or statewide proposals.

For an application, contact: Deborah Spicer, R.D., M.P.H., Healthy Heart Program, Department of Health at the above address, e-mail: hhp@health.state.ny.us, fax: (518) 474-6683 or visit the NYSDOH Website: <http://www.health.state.ny.us/funding/>

APPROVED ASSISTED LIVING PROGRAM (ALP)

Assisted Living Program Beds in Orange, Jefferson, Westchester and Schenectady Counties

As a result of recommendations contained in the study by the Commission on Health Care Facilities in the 21st Century (a/k/a The Berger Commission Report), the New York State Department of Health is soliciting applications for 80 Assisted Living Program (ALP) beds in Orange County, 60 ALP beds in Jefferson County, 140 ALP beds in Westchester County and 50 ALP beds in Schenectady County. In order to be included in the selection process, completed applications must be received by the Department or be postmarked on or before September 29, 2008.

An application package and explanatory materials will be made available at the Department of Health website at www.health.state.ny.us on June 30, 2008.

Eligible Applicants:

An approved ALP is an entity comprised of:

1. A certified Adult Care Facility
 - a. Adult Home (AH) OR
 - b. Enriched Housing Program (EHP)
- AND
2. A Home Care Services Agency
 - a. Licensed Home Care Services Agency (LHCSA), OR
 - b. Certified Home Health Agency (CHHA), OR
 - c. Long Term Home Health Care Program (LTHHCP).

Applicants who operate an ALP must be either a not-for-profit corporation, a non-publicly traded business corporation or limited liability company, a public agency, or an individual or group of individuals acting as partners.

These entities must either already hold the required certificates, or have an appropriate application in process, or request such certification as part of the application for approval as an ALP.

The ALP application allows an entity to apply simultaneously for certification as an AH or EHP and a LHCSA.

The entity authorized to operate an ALP must be certifiable as an adult care facility and as a home care provider. Applicants to operate an ALP must be one of the following: a not-for-profit corporation, a business corporation (that is not publicly traded, and whose shares are owned by natural persons), a limited liability company (if members are corporations or limited liability companies, the shareholders or members of same must be natural persons), a public agency, or an individual or general partnership comprised solely of natural persons.

The requirement for an "eligible applicant" can be met in one of two ways. Either by (1) a single legal entity which possesses or is eligible to apply for an AH or EHP operating certificate and for approval of home care services; or (2) by one or more legal entities with identical ownership that in combination, possess or are eligible to apply for, an AH or EHP operating certificate and for approval of home care services.

This is a competitive application review process. Applications will be scored on completeness and other factors with the highest consideration given to:

- Projects targeted toward services to people who otherwise may be inappropriately placed in a nursing home and whose residential and healthcare needs can be met by the ALP, such as the frail elderly or physically disabled;
- Applicants who demonstrate commitment to admit and retain individuals in receipt of Supplemental Security Income (SSI), Safety Net benefits or Medical Assistance (MA);
- Proposals that increase the supply of new ALP beds rather than convert existing AH and/or EHP beds to ALP beds; and
- Applicants who are able to commence services most quickly by demonstrating completion or near completion of financial arrangements, site control and those who meet architectural compliance without any new construction or renovations, ideally operational within 22 months of contingent approval.

The order in which the above bulleted review items are listed is NOT an indicator of the level of scoring weight applied to these items.

The deadline for completed applications to be received by the Department or be postmarked on is September 29, 2008.

Office of Temporary and Disability Assistance
Center for Employment and Economic Supports
40 N. Pearl St.
Albany, NY 12243

ORGANIZATIONS ELIGIBLE TO APPLY FOR FUNDING UNDER THIS INITIATIVE ARE LIMITED TO NOT-FOR-PROFIT COMMUNITY BASED ORGANIZATIONS

Career Pathways Program

The Office of Temporary and Disability Assistance (OTDA) seeks the services of eligible organizations to provide eligible individuals age 16 and over with the skills, education and occupational training necessary to prepare and place individuals in high growth/high demand employment sectors using a series of steps that lead them towards job placement while achieving industry recognized credentials, certificates and/or licensures.

Up to \$5,000,000 in federal TANF and WIA funding is available to support selected Career Pathways projects for a one-year period beginning January 1, 2009. Awards of up to \$500,000 will be made, and at least 10 projects are expected to be funded.

Proposals are due by October 15, 2008 at 4:00 pm.

Program requirements and application instructions are outlined in the Career Pathways Program Request For Proposal, which can be found on the OTDA website at www.otda.state.ny.us in the Contract & Grant Opportunities page, or fax your request to: Kathleen Dougherty at (518) 473-7993.

For an application contact: Kathleen Dougherty, Office of Temporary and Disability Assistance at the above address, (518) 473-7993 (fax), e-mail: Kathleen.dougherty@otda.state.ny.us

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

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 Office of General Services

Pursuant to Section 30-a of the Public Lands Law, the Office of General Services hereby gives notice to the following:

Notice is hereby given that the Office of Mental Retardation and Developmental Disabilities has declared that Hostel #10601 located at 44 Lakeside Dr., Town of Milan (Rhinebeck mailing address), County of Dutchess, is no longer useful for State program purposes and has been declared abandoned to the Commissioner of General Services for sale or other disposition as unappropriated State land. This abandonment was approved July 8, 2008.

For further information, contact: Robert VanDeloo, Office of General Services, Bureau of Land Management, 26th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, phone (518) 474-2195, (518) 474-0011 fax

PUBLIC NOTICE City of Gloversville

The City of Gloversville is soliciting proposals from Administrative Service Agencies, Trustees, and Financial Organizations for services in connection with a Deferred Compensation Plan that will meet the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

A copy of the proposal questionnaire may be obtained from: Janette Ryder, Deputy Commissioner of Finance, Three Frontage Rd., Gloversville, NY 12078

All proposals must be submitted not later than 30 days from the date of publication in the New York *State Register*.

PUBLIC NOTICE Department of Labor

Pursuant to Labor Law Section 27-a, subdivisions 8 and 12, NYCRR Part 803.11, the Department of Labor hereby give public notice to the following:

TEXT OF NOTICE NEW YORK STATE DEPARTMENT OF LABOR NOTICE OF FILING FOR PERMANENT VARIANCE PUBLIC EMPLOYEE SAFETY AND HEALTH PROGRAM

APPLICANT: New York City Dept. of Transportation

CASE NO: P-002-08

PREMISES: All NYCDOT Waterway Bridges, New York City

STANDARDS INVOLVED: 29 CFR 1926.106(d) The New York City Dept. of Transportation does not have a life saving skiff at locations where employees are working over or adjacent to water.

HEARING INFORMATION: This is to notify affected employees, and appropriate governmental authorities having jurisdiction over employment at the premises or jurisdiction for the premises that this petition will have a hearing and an opportunity to attend and participate. To be notified of the time and place of the hearing please contact Mr. Blaise Thomas at the address below.

SUMMARY OF APPLICATION: The employer proposes to provide employees with a personal protective equipment appropriate to the activity being performed. NYCDOT will train its employees with the necessary safety conditions to work within the variance area. Interested persons may submit written data, views or arguments regarding the application for a period of 60 days. Submissions should be made to and further information obtained from: Blaise Thomas, P.E., Associate Safety & Health Engineer, Department of Labor, Division of Safety & Health, State Campus, Bldg. 12, Rm. 159, Albany, NY 12240, (518) 457-3530

PUBLIC NOTICE Department of Labor

Pursuant to Labor Law Section 27-a, subdivisions 8 and 12, NYCRR Part 803.11, the Department of Labor hereby give public notice of the following:

TEXT OF NOTICE NEW YORK STATE DEPARTMENT OF LABOR

NOTICE OF FILING FOR PERMANENT VARIANCE
PUBLIC EMPLOYEE SAFETY AND HEALTH PROGRAM

APPLICANT: New York City Police Department
CASE NO: P-003-08

PREMISES: Manhattan South Task Force

STANDARDS INVOLVED: 29 CFR 1910.36(b)(1) The New York City Police Department, Manhattan South Task Force does not have a second means of egress at the work area.

HEARING INFORMATION: This is to notify affected employees, and appropriate governmental authorities having jurisdiction over employment at the premises or jurisdiction for the premises that this petition will have a hearing and an opportunity to attend and participate. To be notified of the time and place of the hearing please contact Mr. Blaise Thomas at the address below:

SUMMARY OF APPLICATION: The employer proposes the following:

- Will be instituting fire drills in accordance with FDNY Regulations.
- A fire command station is being installed along with smoke detectors.
- Illuminated exit signs have been installed and the command emergency action plan has been updated.
- The command will contact the local firehouse to make them aware of a possible staging area in the rear.

Interested persons may submit written data, views or arguments regarding the application for a period of 60 days. Submissions should be made to and further information obtained from: Blaise Thomas, P.E., Associate Safety & Health Engineer, Department of Labor, Division of Safety & Health, State Campus, Bldg. 12, Rm. 159, Albany, NY 12240, (518) 457-3530

PUBLIC NOTICE

City of New York Office of Labor Relations

The City of New York Office of Labor Relations (OLR) is seeking proposals from qualified vendors to provide auditing services for the City of New York Deferred Compensation Plan. The Request for Proposals will be available beginning on Monday, August 4, 2008. Responses are due no later than 4:30 p.m. Eastern Time on Monday, September 15, 2008. To obtain a copy of the RFP, please visit the Plan's web site at: <http://nyc.gov/html/olr/html/requests/rfp.shtml> If you have any questions, please submit them by fax to Georgette Gestely, Director, at (212) 306-7376.

PUBLIC NOTICE

Town of Randolph

The Town of Randolph is soliciting proposals from Administrative Service Agencies, Trustees, and Financial Organizations for services in connection with a Deferred Compensation Plan that will meet the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

A copy of the proposal questionnaire may be obtained from: Town of Randolph, 72 Main St. Randolph, NY 14772.

All proposals must be submitted not later than 30 days from the date of publication in the *New York State Register*.

PUBLIC NOTICE

Department of State
F-2008-0112

Date of Issuance - August 6, 2008

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Ave. in Albany, New York.

In F-2008-0112, St. Lawrence MMK Properties, LLC, proposes the construction of a boathouse within a 44 foot by 52 foot area. The boathouse portion of the proposal will occupy 44 linear feet of the shoreline of Caprice Island. The proposed boathouse will be a two-story structure consisting of two bays.

The installation of an approximately 10 foot wide deck aligned parallel to the shoreline for approximately 28 feet will be attached to the north side of the proposed boathouse. This deck will be continuous with an 8 foot wide by 58 foot long dock. The deck and dock will create an additional open-air boat slip on the north side of the proposed boathouse. The decking will be constructed of wood and will be supported by a steel frame with steel pins drilled into the bedrock along the shoreline.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activity may do so by filing their comments, in writing, no later than 4:30 p.m., 7 days from the date of publication of this notice, or, August 13, 2008.

Comments should be addressed to the Division of Coastal Resources and Waterfront Revitalization, New York State Department of State, 99 Washington Ave., 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 Steven Rocklin, Codes Division, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2008-0316 Matter of Frederick S. Scott, Architect 11330 Olive Blvd, St. Louis, Mo 63141 on behalf of Orange Regional Medical Center for variances concerning building code requirements. The petitioner requests relief from certain requirements of the Building Code of New York State.

Involved is a proposed new building to be located at 707 East Main Street, Middletown in the Town of Walkkill, Orange County, State of New York.

2008-0324 Matter of: Mother's Work, Inc., 456 North 5th Street, Philadelphia, Pa 19123 for a variance concerning handicap accessibility clearances at doorways.

Involved is a one story non-combustible building for mercantile use, located at 2130 Walden Avenue, Town of Cheektowaga, County of Erie, State of New York.

2008-0328 Matter of Trudeau Architects c/o Barbara Harris 219 Forts Ferry Road, Latham, NY 12110 on behalf of State of New York, OMRDD for variances concerning building and plumbing code requirements. The petitioner requests relief from certain requirements of the Building Code and Plumbing Code of New York State with regard to the required number of plumbing fixtures.

Involved is a proposed new building to be located at Rykowski Lane, Wallkill Industrial Park in the Town of Wallkill, Orange County, State of New York.

**SALE OF
FOREST PRODUCTS
NOTICE OF SALE**

Chautauqua Reforestation Area No. 11
Contract No. X006980

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 490.5 MBF of sawtimber more or less and 143 cords of cordwood more or less located on Chautauqua Reforestation Area No. 11, Stand 42.2, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, 10 Fl., Albany, NY 12233-5027 until 11:00 a.m., Thursday, Aug. 21, 2008.

For further information contact: Stephen Smith, Senior Forester, Department of Environmental Conservation, Division of Lands and Forests, Region 9, 215 S. Work St., Flaconer, NY 14733, (716) 665-6111