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**NEW YORK STATE**  
**REGISTER**

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***INSIDE THIS ISSUE:***

- Licensure of Non-Degree Granting Private Proprietary Schools
- Medicaid Managed Care Programs
- Implementation of Substantive Changes and Procedures Pertaining to Equine Drugs and Reporting Requirements for Thoroughbreds

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

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

***For notices published in this issue:***

- the 60-day period expires on June 2, 2013
- the 45-day period expires on May 18, 2013
- the 30-day period expires on May 3, 2013

**ANDREW M. CUOMO  
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# NEW YORK STATE REGISTER

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## Be a part of the rule making process!

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

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

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

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

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

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

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

## **Rule Making Activities**

### **Agriculture and Markets, Department of**

- 1 / Species of Ash Trees, Parts Thereof and Products and Debris Therefrom Which Are at Risk for Infestation by the Emerald Ash Borer (EP)

### **Correction, State Commission of**

- 5 / Inmate Access to Legal Reference Materials (P)

### **Corrections and Community Supervision, Department of**

- 7 / Albion Correctional Facility (A)

### **Education Department**

- 7 / Licensure of Non-Degree Granting Private Proprietary Schools (E)

### **Environmental Conservation, Department of**

- 12 / Model Environmental Assessment Forms (AA)

### **Financial Services, Department of**

- 13 / Smoker/Nonsmoker Mortality Tables and Underwriting Classifications (A)

### **Gaming Commission, New York State**

- 14 / Implementation of Substantive Changes and Procedures Pertaining to Equine Drugs and Reporting Requirements for Thoroughbreds (E)

### **Health, Department of**

- 15 / Medicaid Managed Care Programs (E)

### **Hudson River Park Trust**

- 18 / Proposed Action is the Amendment of Rules and Regulations for Hudson River Park, Including a Ban on Smoking (A)

### **Power Authority of the State of New York**

- 18 / Erratum

### **Public Service Commission**

- 19 / Modification of Submetering Order to Allow Hazel Towers Co., LP to Terminate Electric Service for Failure to Pay Electric Bills (A)
- 19 / Approval of Petition of Meadow Manor Holdings, LLC to Submeter Electricity at Meadow Manor Apts., 3412 113th St., Flushing, NY (A)
- 19 / Approval of Petition of 116 John Street Owner LLC to Submeter Electricity at 116 John Street, New York, New York (A)
- 19 / Approval of Allocation of Property Tax Refunds (A)
- 20 / Approval of a Three-Year Gas Rate Plan (A)
- 20 / Approval of a Three-Year Electric Rate Plan (A)
- 20 / Approval of Modifications to SIR and a Tariff Filing Regarding Remote Net Metering (A)
- 22 / Approval of Petition of CityStation East, LLC to Submeter Electricity at 1520 6th Avenue, Troy, New York (A)
- 22 / Approval of Petition of 2130 ACP Boulevard Investors LLC to Submeter Electricity at 2130-2138 Adam Clayton Powell Jr. Blvd., NY (A)
- 22 / Approving NYSERDA's Request to Use Unencumbered Interest to Fund Payment of the NYS Cost Recovery Fee (A)

- 23 / Approval of Modifications of Tariff Requirements Regarding RNY and Denying MI's Petition (A)
- 23 / Approval to Designate TWCIS/NY As a Lifeline-Only ETC in New York (A)
- 23 / Authorizing a Withdrawal from an Existing Surcharge Account (A)
- 23 / Approval of Additional Financing of \$4.0 Million Related to a Transfer of Interests in Emkey to NEE (A)
- 24 / Consolidated Edison Proposes to Use Data from a Test Period Ending June 30, 2012 to Support its January 25, 2013 Rate Filing (P)
- 24 / Charges and Fees (P)
- 24 / Recovery of Incremental Expense (P)
- 24 / Consolidated Edison Proposes to Use Data from a Test Period Ending June 30, 2012 to Support its January 25, 2013 Rate Filing (P)
- 25 / Modification of Earnings and Other Provisions of Existing Rate Plan (P)
- 25 / Consolidated Edison Proposes to Use Data from a Test Period Ending June 30, 2012 to Support its January 25, 2013 Rate Filing (P)
- 25 / Authorization to Transfer Certain Real Property (P)

**Hearings Schedule for Proposed Rule Makings / 27**

**Action Pending Index / 29**

**Securities Offerings**

- 65 / State Notices

**Advertisements for Bidders/Contractors**

- 77 / Sealed Bids

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

- 83 / Developmental Disabilities Planning Council (DDPC)

**Miscellaneous Notices/Hearings**

- 85 / Notice of Abandoned Property Received by the State Comptroller
- 85 / Notice of Public Hearing
- 85 / Public Notice