RULE MAKING ACTIVITIES

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

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

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

Department of Agriculture and Markets

NOTICE OF ADOPTION

Importation of Poultry, That Have Not Been Determined to be Free of Avian Influenza, into the State

I.D. No. AAM-22-15-00004-A
Filing No. 662
Filing Date: 2015-07-28
Effective Date: 2015-08-12

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

Action taken: Amendment of sections 45.1 and 45.6 of Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 16, 18, 72 and 74

Subject: Importation of poultry, that have not been determined to be free of avian influenza, into the State.

Purpose: To minimize the incidence of avian influenza in the State's poultry population.

Text of final rule: Section 45.1 of 1 NYCRR is amended by adding thereto subdivisions (n), (o), (p), (q) and (r), to read as follows:

(n) Imported for Immediate Slaughter means importation of poultry into the State followed by slaughter within 144 hours of the time of import.

(o) Avian Influenza Monitored Source Flock means a flock that has been so certified by the source state or country and that has met the following requirements:

(1) The flock has been together, without any additions thereto, for a minimum of 21 days before the first test for avian influenza is performed; and

(2) No birds have been added to the flock after the first test was performed; and

(3) Samples have been properly collected from thirty birds, each of which are at least three weeks of age and all of which are representative of the flock, from all pens and houses on the farm. If the flock contains less than 30 birds, all birds within the flock must be tested. Notwithstanding the preceding:

i. For serology, blood collection from silkies and other small breeds of chickens may be delayed until the birds are 6 to 8 weeks of age.

ii. For serology, blood collection from guineas, chukars, and quail may be delayed until the birds are 5 to 6 weeks of age.

iii. Eggs may be substituted for blood samples from quail and chukars after they start laying; and

(4) The samples referred to in paragraph (3) of this subdivision have been tested using an official test approved by the United States Department of Agriculture conducted in a laboratory approved by the United States Department of Agriculture and/ or the State to conduct such testing, to determine if the birds from which such samples were obtained have avian influenza; and

(5) Three consecutive series of samples of the type referred to in paragraph (3) of this subdivision, each of which was collected between 21 – 30 days after the previous collection, have been determined by a laboratory of the type referred to in paragraph (4) of this subdivision to be free of avian influenza. New birds may be added to a flock that has been certified as an avian influenza monitored flock, as provided for herein, only if such birds are from a flock that has been certified as an avian influenza monitored flock or have been determined by the Commissioner of Agriculture and Markets to be a flock or part of a flock that is of an equal or higher status; however, an avian influenza monitored flock to which such birds have been added may not be moved to a live bird market or into the State until samples from such flock have been tested and found to be free of avian influenza, as provided in this subdivision.

(p) National Poultry Improvement Plan means a cooperative industry, state, and federal program that was developed through which new diagnostic technology can be applied to evaluate the health status of poultry, set forth in Title 9 of the Code of Federal Regulations Parts 145-147.

(q) U.S. Avian Influenza Clean means that a flock has been so designated by the state or country of origin, utilizing the procedures set forth in the current version of the National Poultry Improvement Plan.

(r) U.S. H5/H7 Avian Influenza Clean means that a flock has been so designated by the state or country of origin, utilizing the procedures set forth in the current version of the National Poultry Improvement Plan.

Section 45.6 of 1 NYCRR is amended by adding thereto a new subdivision (g), to read as follows:

(g) A person who imports or causes the importation of poultry into the State for any purpose other than immediate slaughter shall comply with the requirements set forth in paragraphs (1), (2), and (3) of this subdivision.

(1) No live poultry or poultry products may be moved into the State unless they are moving on an approved certificate of veterinarian inspection or USDA VS Form 9-3, Report of Sales of Hatching Eggs, Chicks, and Poults, which states that either:

(i) the poultry identified thereon are moving through a poultry dealer or poultry transporter from a source flock which is certified by the state or country of origin as an avian influenza monitored source; or

(ii) the poultry identified thereon are moving through a poultry dealer or poultry transporter from a source flock in which a random sample of 30 birds were tested negative for avian influenza within 10 days prior to the date of movement, using an official test approved by the United States Department of Agriculture conducted in a laboratory approved by the United States Department of Agriculture and/or the State to conduct such testing; or

(iii) The poultry identified thereon originate directly from a National Poultry Improvement Plan flock designated "Avian Influenza Clean" or "U.S. H5/H7 Avian Influenza Clean."

(2) No live poultry which is held on premises where within the previous 12 months there has been a positive avian influenza serology, culture or a trace back to said premises of birds that tested positive for avian influenza within the previous 12 months shall be moved into the State unless the State Animal Health Official of the state or country of origin certifies that:

(i) all birds held on the premises at or after the time of the positive serology, culture, or trace back and prior to the cleaning and disinfection of the premises were removed to slaughter or slaughtered and the premises were thereafter cleaned and disinfected under official supervision and the replacement flock complies with paragraph (2) of this subdivision; or

(ii) tracheal and cloacal swabs were obtained for virus isolation from 150 randomly selected birds in a flock held on such premises or from all of the birds in such flock, whichever is less, and such tests demonstrated that avian influenza was not present, and no bird in such flock exhibited clinical signs of avian influenza in the 45 days preceding the date of sampling. If the birds so tested are waterfowl, then only cloacal swabs shall be required. Such samples may be pooled in groups of up to five samples per culture.

(3) Live poultry that qualify for movement must be kept separate and apart from all other poultry of infected, exposed or unknown health status.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 45.6(g).

Text of rule and any required statements and analyses may be obtained from: Dr. David Smith, Director, Division of Animal Industry, NYS Dept. of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, (518) 457-3502, email: David.Smith@agriculture.ny.gov

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

Proposed subdivision (g) of section 45.6 originally provided that a poultry dealer or a poultry transporter may not import poultry into the State for other than immediate slaughter unless certain conditions are met, that subdivision has been amended to "cover" all poultry importers. This amendment to such subdivision merely clarifies the intent of the proposed requirement; indeed, all of the impact statements and analyses presently provide that all poultry importers are "covered" by its provisions and, as such, none of them need to be amended.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2018, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Petroleum Products and Delivery Devices; Exemption of Maple Syrup and Honey Producers from Food Processing

I.D. No. AAM-32-15-00001-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 repeal sections 220.8 and 220.9; and amend section 276.4 of Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 16, 18, 179, 197-b(3)(a), 214-b, 251-z-4 and 251-z-9

Subject: Petroleum products and delivery devices; exemption of maple syrup and honey producers from food processing.

Purpose: To repeal requirements relating to petroleum devices and products, and to maple syrup and honey producers.

Text of proposed rule: Part 220 of 1 NYCRR is amended by repealing sections 220.8 and 220.9 thereof.

Subparagraph (vi) of paragraph (1) of subdivision (a) of section 276.4 of 1 NYCRR is amended to read as follows:

(vi) All finished product containers must be clean, sanitary and properly labeled in compliance with the requirements of [Parts 175, 176 and] *Part* 259 of this Title.

Text of proposed rule and any required statements and analyses may be obtained from: Mike Sikula, Director, Bureau of Weights and Measures, Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235, (518) 457-3146, email: Mike.Sikula@agriculture.ny.gov

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 rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Consensus Rule Making Determination

The proposed rule will amend 1 NYCRR by deleting duplicative, repealed or superseded provisions found in sections 220.8, 220.9 and 276.4 of 1 NYCRR.

The proposed rule will amend 1 NYCRR 276.4(a) (which currently exempts processors of maple syrup and honey from having to obtain food processing licenses) by deleting the reference to Part 175, which has been repealed, and the reference to Part 176, which is inconsistent with Part 270 (which became effective on January 1, 2015).

The proposed rule will also amend 1 NYCRR Part 220 by repealing: (1) section 220.8, the provisions of which are duplicative of those set forth in sections 224.6 and 224.15, and (2) section 220.9, the provisions of which are duplicative of those set forth in section 224.4.

The proposed rule is non-controversial because it is non-substantive and eliminates provisions that are duplicative or that have been repealed or superseded. The proposed rule will have no impact of any type upon regulated parties and is, therefore, non-controversial.

Job Impact Statement

The proposed rule will not have an adverse impact upon employment opportunities.

The proposed rule will amend 1 NYCRR by repealing sections 220.8 and 220.9 because the provisions thereof are duplicative of the provisions set forth in other sections of 1 NYCRR, and will amend 1 NYCRR section 276.4 by deleting the reference to Parts 175 and 176 in subparagraph (vi) of paragraph (1) of subdivision (a); Part 175 has been repealed and Part 176 has been superseded, each by a recent addition to 1 NYCRR. As such, the proposed rule will have no impact whatsoever upon jobs.

Department of Civil Service

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-01-15-00004-A

Filing No. 638

Filing Date: 2015-07-22

Effective Date: 2015-08-12

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

Action taken: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the non-competitive class.

Text or summary was published in the January 7, 2015 issue of the Register, I.D. No. CVS-01-15-00004-P.

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

Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-01-15-00005-A

Filing No. 635

Filing Date: 2015-07-22

Effective Date: 2015-08-12

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete a position from and classify a position in the exempt class.

Text or summary was published in the January 7, 2015 issue of the Register, I.D. No. CVS-01-15-00005-P.

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

Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-01-15-00006-A

Filing No. 639

Filing Date: 2015-07-22

Effective Date: 2015-08-12

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete a position from and classify a position in the exempt class.

Text or summary was published in the January 7, 2015 issue of the Register, I.D. No. CVS-01-15-00006-P.

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

Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-01-15-00007-A

Filing No. 636

Filing Date: 2015-07-22

Effective Date: 2015-08-12

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

Action taken: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete a position from and classify a position in the exempt class.

Text or summary was published in the January 7, 2015 issue of the Register, I.D. No. CVS-01-15-00007-P.

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

Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-01-15-00008-A

Filing No. 640

Filing Date: 2015-07-22

Effective Date: 2015-08-12

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete positions from and classify positions in the exempt class.

Text or summary was published in the January 7, 2015 issue of the Register, I.D. No. CVS-01-15-00008-P.

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

Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-01-15-00009-A

Filing No. 633

Filing Date: 2015-07-22

Effective Date: 2015-08-12

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete a position from and classify a position in the exempt class.

Text or summary was published in the January 7, 2015 issue of the Register, I.D. No. CVS-01-15-00009-P.

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

Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-01-15-00021-A

Filing No. 634

Filing Date: 2015-07-22

Effective Date: 2015-08-12

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete a position from and classify a position in the exempt class.

Text or summary was published in the January 7, 2015 issue of the Register, I.D. No. CVS-01-15-00021-P.

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

Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-01-15-00022-A
Filing No. 637
Filing Date: 2015-07-22
Effective Date: 2015-08-12

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

Action taken: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete positions from the non-competitive class.

Text or summary was published in the January 7, 2015 issue of the Register, I.D. No. CVS-01-15-00022-P.

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

Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Assessment of Public Comment
The agency received no public comment.

Department of Economic Development

NOTICE OF ADOPTION

Empire State Musical and Theatrical Production Tax Credit Program

I.D. No. EDV-46-14-00001-A
Filing No. 645
Filing Date: 2015-07-27
Effective Date: 2015-08-12

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

Action taken: Addition of Part 240 to Title 5 NYCRR.

Statutory authority: L. 2014, ch. 59

Subject: Empire State Musical and Theatrical Production Tax Credit Program.

Purpose: Establish application procedures for the Empire State Musical and Theatrical Production Tax Credit Program.

Text or summary was published in the November 19, 2014 issue of the Register, I.D. No. EDV-46-14-00001-EP.

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

Revised rule making(s) were previously published in the State Register on May 21, 2015.

Text of rule and any required statements and analyses may be obtained from: Thomas Regan, New York State Department of Economic Development, 625 Broadway, 8th Floor, Albany, NY 12207, (518) 292-5123, email: Thomas.Regan@esd.ny.gov

Initial Review of Rule
As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2018, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment
The agency received no public comment.

Education Department

ERRATUM

A Notice of Proposed Rule Making, I.D. No. EDU-27-15-00019-P, pertaining to Annual Professional Performance Reviews of Classroom Teachers and Building Principals, published in the July 8, 2015 issue of the *State Register* contained an incorrect website address for the text of the rule. Following is the correct website address: https://www.engageny.org/resource/the-commissioners-regulations-on-annual-professional-performance-review

The Department of State apologizes for any confusion this may have caused.

State Board of Elections

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

State Board of Elections Civil Enforcement Hearing Procedure

I.D. No. SBE-32-15-00003-P

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

Proposed Action: Addition of Part 6218 to Title 9 NYCRR.

Statutory authority: Election Law, sections 3-104(8), 3-102(1) and (17)

Subject: State Board of Elections Civil Enforcement Hearing Procedure.

Purpose: To provide a fair process of civil enforcement that ensures due process of law in all administrative adjudicatory proceedings.

Substance of proposed rule (Full text is posted at the following State website:http://www.elections.ny.gov/): The proposed rulemaking adds a new Part 6218 to Subtitle V of Title 9 of the NYCRR. The new Part provides for a civil enforcement hearing process as required by Election Law section 3-104 (5). Section 6218.01 reflects the intent of the section to provide for a fair and efficient process of civil enforcement. Section 6218.02 provides for hearing officers, including the manner of selection and the qualifications and obligations. Section 6218.03 provides for commencement of Election Law 3-104 administrative proceedings and various requisites related thereto. Section 6218.04 provides for the conduct of adjudicatory proceedings and various related matters. Section 6218.05 provides for the scope and time of settlement of civil enforcement matters and matters related thereto. Section 6218.06 provides for the manner of making written statements under penalties of perjury. Section 6218.07 provides that strict rules of evidence do not apply to administrative proceedings under this Part. Section 6218.08 provides for service of rules and other materials in accordance with law. Section 6218.09 provides that every party or witness is entitled to counsel at their own expense. Section 6218.10 provides a process for adjournments in proceedings. Section 6218.11 provides for discovery and subpoenas. Section 6218.12 provides time periods, including a general rule that proceedings under this Part should be concluded within ninety days of a hearing or other specified event.

Text of proposed rule and any required statements and analyses may be obtained from: Brian L. Quail, Esq., Deputy Counsel, New York State Board of Elections, 40 North Pearl Street, Suite 5, Albany, New York 12207, (518) 474-2063, email: brian.quail@elections.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority: Election Law 3-104(5) requires the State Board to implement a civil enforcement hearing process, and this process requires rules for implementation, and Election Law 3-104(8) authorizes the New York State Board of Elections to promulgate such rules.

2. Legislative objectives: The proposed rule implements the civil enforcement hearing process required pursuant to Election Law 3-104(5) enacted by the Laws of 2014 chapter 55, part. H, subpart. B, effective June 29, 2014. The legislature created the requirement of a new civil administrative enforcement process, among other things, to improve enforcement of the Election Law. Specifically, the legislature intended this hearing process to be a mechanism by which the Chief Enforcement Counsel of the State Board of Elections could obtain impartial administrative findings prior to bringing a civil action when circumstances create substantial reason to believe actions were taken evincing an intent to violate the election law "that does not otherwise warrant criminal prosecution". Election Law 3-104[5].

3. Needs and benefits: This rulemaking provides a beneficial new mechanism for Election Law enforcement that comports with due process. The

legislature in adopting the Laws of 2014 chapter 55, part. H, subpart. B required a civil enforcement hearing process at the State Board of Elections. This rulemaking provides the mechanism to effectuate this requirement, as the legislature delegated rulemaking for this purpose to the State Board of Elections. The hearing process established by this rulemaking, consistent with the statute, permits the Chief Enforcement Counsel to obtain impartial administrative findings prior to bringing a civil action when circumstances create substantial reason to believe actions were taken evincing an intent to violate the election law "that does not otherwise warrant criminal prosecution". Election Law 3-104[5]. This rulemaking ensures the impartiality of hearing officers, compliance with the New York State Administrative Procedure Act, and procedural rights for respondents in administrative proceedings consistent with law.

4. Costs:

a. The proposed rule requires a hearing process as an element of due process before certain special proceedings may be brought by the Chief Enforcement Counsel of the Board of Elections. It does not impose any additional costs on any definable, regulated class. Because respondents in a civil enforcement proceeding under these rules would have otherwise likely been subject to a civil proceeding in New York State Supreme Court, this rulemaking should reduce respondents' cost of such adjudications.

b. The agency cost and state cost are provided for in existing appropriations, and there are no costs to local governments resulting from this rule. As a matter of law and not the subject of this rulemaking, the state will recover to a special fund settlements entered into as a result of the civil enforcement process.

c. The rule implements a statutory requirement to provide a civil enforcement process for violation of the Election Law, and the cost of implementing the program depends on how many civil enforcement matters will be initiated by the Chief Enforcement Counsel. The cost to implement this rulemaking will be provided by existing appropriations for the State Board of Elections.

5. Local government mandates: There are no additional responsibilities imposed by this rule upon any county, city, town, village, school district, fire district or other special district.

6. Paperwork: This rule imposes no new reporting or regulatory filing requirements. The rules include requirements related to commencing adjudicatory proceedings, including, e.g., the filing of the report of the Chief Enforcement Counsel, a notice of hearing, and respondent's answer.

7. Duplication: The civil enforcement process established by this rule does not impose any duplicative regulatory burden or reporting requirements, but does provide, by design, an alternative mechanism of Election Law civil enforcement. Violations of the Election Law for which the Chief Enforcement Counsel may seek civil enforcement may also be subject to the criminal jurisdiction of other state, local or federal entities. The Chief Enforcement Counsel could manage cases to mitigate any unwise potential duplication, overlap or conflict in this regard.

8. Alternatives: The hearing process provided by this rule directly implements the statutory requirement of Election Law 3-104 (5). Accordingly, there were no alternatives to a hearing process considered. The civil hearing process provided in this rule is modeled on the processes of other state agencies.

9. Federal standards: This rulemaking is unrelated to any Federal rule or standard.

10. Compliance schedule: The rule provides no new compliance obligations related to substantive compliance with the election law. The rule pertains to parties to a civil enforcement hearing process which would be applicable upon final adoption of the rule.

Regulatory Flexibility Analysis

Under SAPA 202-b(3)(a), when a rule does not impose an adverse economic impact on small business or local government and the agency finds it would not impose reporting, recordkeeping, or other compliance requirements on such entities, the agency may file a Statement in Lieu of. This rule will not impact small business operations or local government functions. This rule implements a civil hearing process within the New York State Board of Elections pursuant to Election Law 3-104(5). It imposes no additional compliance, regulatory or reporting requirements.

Rural Area Flexibility Analysis

Under SAPA 202-bb(4)(a), when a rule does not impose an adverse economic impact on rural areas and the agency finds it would not impose reporting, recordkeeping, or other compliance requirements on public or private entities in rural areas, the agency may file a Statement in Lieu of. This rule has statewide application, creating a uniform civil hearing process pursuant to 3-104[5] of the Election Law relating to violations of the Election Law. The proposed rule does not create any new reporting, recordkeeping or other routine compliance requirements. Accordingly, this rule has no adverse impacts on any area.

Job Impact Statement

Under SAPA 201-a(2)(a), when it is apparent from the nature and purpose of the rule that it will not have a substantial adverse impact on jobs and employment opportunities, the agency may file a Statement in Lieu of. This rulemaking, as is apparent from its nature and purpose, will not have an adverse impact on jobs or employment opportunities. The rule provides for a civil enforcement process within the New York State Board of Elections pursuant to Election Law 3-104(5). This rulemaking imposes no regulatory burden on any facet of job creation or employment.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Administration of Oaths, Examination of Witnesses and Issuance of Subpoenas for the Purpose of Conducting Investigations

I.D. No. SBE-32-15-00024-P

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

Proposed Action: Repeal of section 6203.1; and addition of new section 6203.1 to Title 9 NYCRR.

Statutory authority: Election Law, sections 3-104(8), 3-102(1) and (17)

Subject: Administration of oaths, examination of witnesses and issuance of subpoenas for the purpose of conducting investigations.

Purpose: To update Part 6203 of 9 NYCRR as a result of Laws of 2014, chapter 55, part H, subpart B.

Text of proposed rule: Section 6203.1 of the Subtitle V of Title 9 of the NYCRR is repealed. A new Section 6203.1 of the Subtitle V of Title 9 of the NYCRR shall read as follows:

6203.1 Administration of oaths, examination of witnesses and issuance of subpoenas for the purpose of conducting investigations pursuant to chapter 233 of the Laws of 1976 and chapter 55, part H, subpart B of the Laws of 2014.

In addition to all duties and powers relating to the administration of the election process, election campaign processes and campaign finance practices:

(a) Any commissioner of the State Board of Elections may designate in writing any employee to administer oaths or affirmations, examine witnesses in public or private hearings, receive evidence and preside at or conduct any hearing or study.

(b) Pursuant to a delegation of its subpoena power by the State Board of Elections, each co-executive director, co-counsel and co-deputy counsel are authorized to issue subpoenas in the name of the State Board of Elections to compel the attendance of any person before the board or any employee designated pursuant to subdivision (a) of this section or to require the production of any books, records, documents or other evidence that the board or any such employee may deem relevant to any hearing or study.

(c) The chief enforcement counsel may at any time ask that the board authorize him or her to exercise the powers which the board is otherwise authorized to exercise pursuant to subdivision five and six of section 3-102 of this the Election Law. The board shall vote on whether to grant or refuse to grant such authority no later than twenty days after the chief enforcement counsel makes such request. For purposes of considering and voting on such request, the chief enforcement counsel shall be entitled to participate in all matters related thereto and shall vote on the board's granting or refusal to grant such request only when there is a tie. Should the board not vote on such request within twenty days of its submission, or grant the chief enforcement counsel's request, the chief enforcement counsel shall be so empowered to act pursuant to subdivisions five and six of section 3-102 of the Election Law.

Text of proposed rule and any required statements and analyses may be obtained from: Brian L. Quail, Esq., Deputy Counsel, New York State Board of Elections, 40 North Pearl Street, Suite 5, Albany, New York 12207, (518) 474-2063, email: brian.quail@elections.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority: Election Law 3-104 (8) authorizes the New York State Board of Elections to promulgate rules and regulations related to investigations.

2. Legislative objectives: The proposed rule ensures that the rules of the board of election related to oaths, subpoenas and the examination of witnesses conform to the Election Law which, among other things, requires certain subpoenas to be approved only by the commissioners of the State Board of Elections.

3. Needs and benefits: The legislature in adopting the Laws of 2014 chapter 55, part. H, subpart. B section 5 changed the enforcement and

investigatory process related to violations of the election law. This rule updates the rules related to oaths, subpoenas and examination of witnesses to effectuate this change in law.

4. Costs:

a. The proposed regulation creates no additional cost for any entity, person or agency of government.

b. The proposed regulation creates no additional cost for any entity, person or agency of government.

c. This rule updates the process requirements within the New York State Board of Elections for issuing subpoenas, administration of oaths and examination of witnesses. It creates no new costs.

5. Local government mandates: There are no additional responsibilities imposed by this rule upon any county, city, town, village, school district, fire district or other special district.

6. Paperwork: This rule imposes no new reporting or regulatory filing requirements.

7. Duplication: This rule creates no risk of duplication or overlap of any kind.

8. Alternatives: This rule updates an existing rule to comply with Election Law 3-104 (3). It imposes no new costs or burdens, so no alternative analysis to mitigate same would have been possible.

9. Federal standards: Not applicable.

10. Compliance schedule: The rule creates no new compliance obligations.

Regulatory Flexibility Analysis

1. Effect of rule: This rule will not impact small business operations or local government functions. This rule implements updated rules related to oaths, subpoenas and examination of witnesses. It imposes no additional compliance, regulatory or reporting requirements.

2. Compliance requirements: Small businesses and local governments have no compliance, record keeping or any other affirmative requirement imposed by this rule related to their operations.

3. Professional services: This rule imposes no requirement or need for professional services by small businesses or local governments in the performance of their operations.

4. Compliance costs: This rule carries no operational compliance cost for small business or local government operations. The rule creates no additional requirements for lawful compliance with the Election Law.

5. Economic and technological feasibility: This rule creates no economic or technical burden for small businesses or local governments.

6. Minimizing adverse impact: This rule creates no adverse impacts on small businesses or local governments.

7. Small business and local government participation: This rule related to administration of oaths, subpoenas and examination of witnesses does not impact small business or local governments. Small businesses and local governments are invited to comment on the proposed rule.

8. (IF APPLICABLE) For rules that either establish or modify a violation or penalties: Not applicable.

9. (IF APPLICABLE) Initial review of the rule, pursuant to SAPA section 207 as amended by L.2012, ch. 462: Not applicable.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: This rule updates an existing rule related to the authority of the New York State Board of Elections to issue subpoenas, administer oaths and examine witnesses. The rule has no impact on any rural area.

2. Reporting, recordkeeping and other compliance requirements; and professional services: The proposed rule does not create any new reporting, recordkeeping or other compliance requirements.

3. Costs: The proposed rule has no cost.

4. Minimizing adverse impact: This rule has no impact on any area of the state and thus no impacts to mitigate.

5. Rural area participation: The State Board of Elections will solicit comments from persons throughout the state. As this regulation has no disparate impact on rural areas, comment is sought universally, pursuant to publication as required by law.

6. (IF APPLICABLE) Initial review of the rule, pursuant to SAPA section 207 as amended by L.2012, ch. 462: Not applicable.

Job Impact Statement

1. Nature of impact: This rule updates the State Board of Elections' rule regarding administration of oaths and examination of witnesses. The rule imposes no regulatory burdens on job creation or employment.

2. Categories and numbers affected: The rule has no negative effects on any category.

3. Regions of adverse impact: The proposed rule has no adverse effects on any region.

4. Minimizing adverse impact: The proposed rule has no adverse impacts.

5. (IF APPLICABLE) Self-employment opportunities: Not applicable.

6. (IF APPLICABLE) Initial review of the rule, pursuant to SAPA section 207 as amended by L.2012, ch. 462: Not applicable.

Department of Financial Services

NOTICE OF EXPIRATION

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

Title Insurance Agents, Affiliated Relationships, and Title Insurance Business

I.D. No.	Proposed	Expiration Date
DFS-29-14-00014-P	July 23, 2014	July 23, 2015

Department of Health

NOTICE OF ADOPTION

Outpatient Services Licensed Under the Mental Hygiene Law

I.D. No. HLT-31-14-00002-A

Filing No. 641

Filing Date: 2015-07-22

Effective Date: 2015-08-12

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

Action taken: Addition of Subpart 86-12 to Title 10 NYCRR.

Statutory authority: L. of 2011, ch. 59, part H, sections 26 and 111(a)

Subject: Outpatient Services Licensed Under the Mental Hygiene Law.

Purpose: Creates methodology for adjusting provider reimbursement in OPWDD, OHM and OASAS certified clinics based on annual patient visits.

Text or summary was published in the August 6, 2014 issue of the Register, I.D. No. HLT-31-14-00002-P.

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

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of House Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqna@health.ny.gov

Assessment of Public Comment

The Department received one set of comments during the public comment period from the New York City Department of Health and Mental Hygiene ("NYCDOHMN").

Comment: The Department should consider a "phased in" approach to soften the fiscal impact on providers.

Response: As indicated in the regulatory impact statement, the intent of the utilization threshold procedure is to "discourage excessive and inappropriate utilization of services". In accordance with social services law 365-a, Medicaid covers medically necessary care and services. Reimbursement of excessive services or those that represent inappropriate utilization would be inconsistent with statute. Therefore, a "phased in" implementation approach would not be appropriate.

Comment: Provider billing systems will need to be revised to accommodate the new utilization threshold payment guidelines. Providers will need time to revise their systems so that they are not financially at risk of having claims denied.

Response: Providers will not be required to revise their Medicaid billing systems for the utilization thresholds. Providers should submit claims as they normally do. Utilization threshold limits will be applied through post payment claim edits.

Comment: For purposes of utilization thresholds, complex care management should be disregarded when computing the number of visits to an OMH-licensed clinic.

Response: Case/care management is exempt from the utilization threshold visit calculation.

Division of Homeland Security and Emergency Services

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Registration of Manufacturers, Distributors, Wholesalers, Various Retailers of Sparkling Devices

I.D. No. HES-32-15-00002-EP
Filing No. 642
Filing Date: 2015-07-22
Effective Date: 2015-07-22

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

Proposed Action: Addition of Part 225 to Title 9 NYCRR.

Statutory authority: Executive Law, sections 156(20) and 156-h; L. 2014, ch. 477

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

Specific reasons underlying the finding of necessity: Executive Law section 156-h requires that the Office of Fire Prevention and Control promulgate rules regarding registration of manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices. Registration is required prior to the legal sale of such sparkling devices. This rule includes the registration processes, fees and reporting requirements. Accordingly, this rule must be adopted on an emergency basis in order to ensure that such procedures are in effect to assure the public's safety and general welfare.

Subject: Registration of manufacturers, distributors, wholesalers, various retailers of sparkling devices.

Purpose: Establish the registration process, fees and reporting requirements related to sparkling devices.

Substance of emergency/proposed rule (Full text is posted at the following State website:http://www.dhses.ny.gov/ofpc/news/sparklingdevices.cfm): PART 225 of TITLE 9 NYCRR

SPARKLING DEVICES

Section 225.1 Definitions

Establishes definitions of sparkling devices according to new statutory language. Establishes that "Sparkling Devices" are consumer fireworks for the purpose of the Uniform Fire Prevention and Building Code and National Fire Protection Association standard 1124 (2006).

Section 225.2 Registration

Requires every manufacturer, distributor, wholesaler, specialty retailer, or permanent retailer of sparkling devices to annually register with the Office of Fire Prevention and Control. Requires temporary (seasonal) retailers to register with the Office of Fire Prevention and Control each selling season. Establishes the registration process and related documentation required as part of the registration package.

Section 225.3 Fees

Establishes application fees; the revenue of which goes to the Office of Fire Prevention and Control to be used for firefighter safety and training programs as well as for the registration process, consistent with Executive Law § 156-h. A manufacturer, distributor, wholesaler must pay an annual registration fee of $5,000; a specialty retailer must pay an annual registration fee of $2,500; a permanent retailer must pay an annual registration fee of $200 for each location; and a temporary seasonal retailer must pay a registration fee of $250 per season for each location.

Section 225.4 Certification

The Office of Fire Prevention and Control is responsible to issue a certification valid for one year to manufacturers, distributors, and wholesalers. Certificates issued to temporary seasonal retailers will be valid for 30 days before through 30 days after the dates of the selling season specified in General Business Law § 392-j. Non-compliance with any of the requirements set forth may result in a revocation of the certificate of registration, as determined by the Office of Fire Prevention and Control. Revocation shall remain in effect until the manufacturer, distributor, wholesaler, specialty retailer, permanent retailer, or temporary seasonal retailer provides evidence of compliance acceptable to the Office of Fire Prevention and Control.

Section 225.5 Records and Reports

Manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers shall maintain, and make available to the Office of Fire Prevention and Control, records regarding the name and quantity of any sparkling devices produced in, imported to, exported from, or sold in New York. Establishes the Office of Fire Prevention and Control's authority to inspect to assure compliance with the terms of registration/certification.

Section 225.6 Reporting of Incidents

Requires manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers to report basic information regarding incidents of fires or explosions, including accidental discharge of sparkling devices that occurs on premises, to the Office of Fire Prevention and Control within 24 hours if no injury or death; or within 1 hour, or as soon as practicable if injury or death is involved. The Office of Fire Prevention and Control is responsible to share information with local code enforcement officials, as appropriate.

Section 225.7 General Requirements

Requires posting of documentation in each location of business, to include: copy of the Office of Fire Prevention and Control certification for such location; the list, as most recently published by the New York State Police, of counties and cities that have opted by local law to legalize the use of sparkling devices; a copy of any Federal Permit(s) (if applicable); a copy of the Insurance Certificate; and a copy of a sparkling device safety pamphlet produced by the Office of Fire Prevention and Control.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire October 19, 2015.

Text of rule and any required statements and analyses may be obtained from: Elisha S. Tomko, Division of Homeland Security and Emergency Services, 1220 Washington Avenue, State Office Campus, Bldg 7A, Albany, NY 12242, (518) 474-6746, email: elisha.tomko@dhses.ny.gov

Data, views or arguments may be submitted to: Paul Martin, Division of Homeland Security and Emergency Services, 1220 Washington Avenue, State Office Campus, Bldg 7A, Albany, NY 12242, (518) 474-6746, email: paul.martin@dhses.ny.gov

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

Regulatory Impact Statement

1. Statutory Authority

Section 156(20) of the Executive Law authorizes the Office of Fire Prevention and Control ("OFPC") to register the manufacturers, distributors, wholesalers, specialty retailers, permanent retailers, and temporary seasonal retailers of sparkling devices who wish to do business in New York State. Section 156-h of the Executive Law requires that the OFPC promulgate rules regarding registration of manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices.

2. Legislative Objectives

The legislative objective behind section 156(20) and section 156-h is to assure that the proper processes are in place prior to the sale of sparkling devices. Registration with the OFPC is required prior to the sale of such sparkling devices, pursuant to General Business Law 392-j.

3. Needs and Benefits

Section 156-h of the Executive Law requires that the OFPC promulgate rules regarding registration of manufacturers, distributors, wholesalers, specialty retailers, permanent retailers, and temporary seasonal retailers of sparkling devices, to include the registration process and requirements, fees and reporting requirements.

4. Costs

The rule establishes application fees, consistent with section 156-h of the Executive Law. A manufacturer, distributor, or wholesaler must pay an annual registration fee of $5,000; A specialty retailer must pay an annual registration fee of $2,500; a permanent retailer must pay an annual registration fee of $200 for each location; and a temporary seasonal retailer must pay a registration fee of $250 per season to the OFPC for each location.

The cost to the OFPC for the implementation of the rule is approximately $850,000 per year for administration, inspection and investigative costs. Section 156-h requires that revenue generated from registration fee payments must be used for firefighter safety and training programs as well as for the registration process.

In developing its cost estimates associated with the implementation and execution of the registration, inspection and investigation aspects of this new responsibility, the OFPC consulted with state fire marshal offices in other states that have recently legalized sparkling devices and/or consumer fireworks in an effort to learn what their work load experiences have been.

OFPC extrapolated the data and applied it to its specific costs (i.e., personnel and equipment).

There will be no costs to local governments for the implementation of this rule.

5. Local Government Mandates

This rule will not impose any program, service, duty or responsibility upon local governments. This rule regulates the manufacturers, distributors, wholesalers, specialty retailers, permanent retailers, and temporary seasonal retailers of sparkling devices.

6. Paperwork

The OFPC will be required to develop and make available registration forms, certification forms, and a sparkling device safety pamphlet. Manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers shall maintain, and make available to the OFPC, records regarding the name and quantity of any sparkling devices produced in, imported to, exported from, or sold in this State. Retailers will be required to post documentation in each location of business, to include: copy of the OFPC certification for such location; the list, as most recently published by the New York State Police, of counties and cities that have opted by local law to legalize the use of sparkling devices; copy of any Federal Permit(s) (if applicable); copy of the Insurance Certificate; and copy of a sparkling device safety pamphlet produced by the OFPC.

7. Duplication

At the time of this rule making, no rules or other legal requirements of the state or federal government exist which duplicate, overlap, or conflict with the rule.

8. Alternatives

The OFPC does not have statutory authority to consider any alternative other than to adopt a rule addressing these issues.

9. Federal Standards

Any person importing, manufacturing for commercial use, dealing in, transporting or causing to be transported, or otherwise receiving certain fireworks must obtain an ATF Federal explosives license or permit for the specific activity. Federal explosives licensees and permittees must comply with all applicable regulations under 27 CFR, Part 555. Any person manufacturing consumer fireworks for commercial use must obtain a Federal explosives manufacturers license. This rule does not exceed or conflict with such requirements.

10. Compliance Schedule

Manufacturers, distributors, wholesalers, specialty retailers, permanent retailers, and temporary seasonal retailers of sparkling devices can comply with the requirements of the rule once a city or county opts to legalize the sale and use of sparkling devices.

Regulatory Flexibility Analysis

1. Effect of rule

The rule does not affect local governments. The rule affects small businesses, including manufacturers, distributors, wholesalers, specialty retailers, permanent retailers, and temporary seasonal retailers of sparkling devices.

2. Compliance requirements

This rule does not impose any reporting, recordkeeping or other affirmative acts on local governments.

Small business manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers will be required to meet registration requirements and maintain, and make available to the Office of Fire Prevention and Control ("OFPC"), records regarding the name and quantity of any sparkling devices produced in, imported to, exported from, or sold in New York. Small business specialty retailers, permanent retailers, and temporary seasonal retailers will be required to post documentation in each location of business, to include: a copy of the Office of Fire Prevention and Control certification for such location; the list, as most recently published by the New York State Police, of counties and cities that have opted by local law to legalize the use of sparkling devices; a copy of any Federal Permit(s) (if applicable); a copy of the Insurance Certificate; and a copy of a sparkling device safety pamphlet produced by the Office of Fire Prevention and Control.

Small business manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers also need to report to the Office of Fire Prevention and Control, any fire or explosion that results in injury or death within one hour of its occurrence or as soon as practicable.

3. Professional services

Neither locals governments or small business affected by this rule will require professional services in order to comply with the rule.

4. Compliance costs

There would be no initial capital costs associated with compliance with the rule. The annual costs for continuing compliance are the required fees: a manufacturer, distributor, wholesaler must pay an annual registration fee of $5,000; Specialty retailer must pay an annual registration fee of $2,500; Permanent retailer must pay an annual registration fee of $200 for each location; and Temporary seasonal retailer must pay a registration fee of $250 per season to the Office of Fire Prevention and Control for each location.

5. Economic and technological feasibility

The rule sets forth the registration and reporting requirements for small business manufacturers, distributers, wholesalers, and retailers of sparkling devices, both of which are economically and technologically feasible.

6. Minimizing adverse impact

The rule establishes the registration process for including manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices. The fees contained in the rule are created by statute;; therefore, the rule does not impose any adverse economic impact and no alternatives were considered.

7. Small business and local government participation

Small business and local government did not participate in the emergency rulemaking process. Small business and local governments, through their respective associations, will be invited to participate in the proposed rulemaking process.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas

The rule would apply to counties and cities, outside of New York City, that opted to legalize the sale and use of sparkling devices, including those located in rural areas as that term is defined in section 102(10) of the State Administrative Procedure Act ("SAPA").

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

This rule making will not impose any reporting, recordkeeping or other affirmative acts on local governments in rural areas.

In counties and cities, in rural areas, that opt to legalize the sale and use of sparkling devices, manufacturers, distributors, wholesalers, specialty retailers, permanent retailers, and temporary seasonal retailers will be required to meet registration requirements and maintain, and make available to the Office of Fire Prevention and Control ("OFPC"), records regarding the name and quantity of any sparkling devices produced in, imported to, exported from, or sold in New York. Specialty retailers, permanent retailers and temporary seasonal retailers will be required to post documentation in each location of business, to include: copy of the Office of Fire Prevention and Control certification for such location; the list, as most recently published by the New York State Police, of counties and cities that have opted by local law to legalize the use of sparkling devices; copy of any Federal Permit(s) (if applicable); copy of the Insurance Certificate; and copy of a sparkling device safety pamphlet produced by the Office of Fire Prevention and Control.

Manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers also need to report to the Office of Fire Prevention and Control, any fire or explosion that results in injury or death within one hour of its occurrence or as soon as practicable.

In rural areas, professional services are not required to comply with the rule.

3. Costs

In rural areas, there would be no initial capital costs associated with compliance with the rule. The annual costs for continuing compliance are the required fees: a manufacturer, distributor, wholesaler must pay an annual registration fee of $5,000; Specialty retailer must pay an annual registration fee of $2,500; Permanent retailer must pay an annual registration fee of $200 for each location; and Temporary seasonal retailer must pay a registration fee of $250 per season to the Office of Fire Prevention and Control for each location.

4. Minimizing adverse impact

The rule establishes the registration process for including manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices. The fees, contained in the rule, are created by statute and therefore, the rule does not impose any adverse economic impact and no alternatives were considered.

5. Rural area participation

Representatives of rural areas did not participate in this emergency rulemaking process. Businesses and local governments, in rural areas, through their respective associations, will be invited to participate in the proposed rulemaking process.

Job Impact Statement

1. Nature of impact

The nature of the impact that the rule will have on jobs and employment opportunities is expected to be minimal based on the seasonal/limited selling season of June first and July fifth and December twenty-sixth through January second of each year.

2. Categories and numbers affected

The rule may result in part-time seasonal/temporary retail jobs in those

counties and cities that have opted to legalize the sale and use of sparkling devices during the limited selling season of June first and July fifth and December twenty-sixth through January second of each year.

3. Regions of adverse impact

The minimal impact that the rule will have on jobs and employment opportunities will not result in a disproportionate impact on any region of the State.

4. Minimizing adverse impact

The rule would not have any adverse impact on existing jobs.

State Liquor Authority

NOTICE OF ADOPTION

Updated Application Processes for Various Licenses and Permits

I.D. No. LQR-13-15-00002-A

Filing No. 643

Filing Date: 2015-07-23

Effective Date: 2015-08-12

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

Action taken: Amendment of sections 30.2, 32.2, 33.2, 35.5 and 40.1; repeal of section 40.2 of Title 9 NYCRR.

Statutory authority: Alcoholic Beverage Control Law, sections 93(4), 93-a(3), 99(3), 99-b(2) and 109(1)

Subject: Updated application processes for various licenses and permits.

Purpose: To update permit filing procedures and contact information at the authority.

Text or summary was published in the April 1, 2015 issue of the Register, I.D. No. LQR-13-15-00002-P.

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

Text of rule and any required statements and analyses may be obtained from: Paul Karamanol, Senior Attorney, State Liquor Authority, 80 South Swan Street, Suite 900, Albany, NY 12210, (518) 474-3114, email: paul.karamanol@sla.ny.gov

Assessment of Public Comment

The agency received no public comment.

Office for People with Developmental Disabilities

NOTICE OF ADOPTION

Costs of Real Property

I.D. No. PDD-22-15-00006-A

Filing No. 661

Filing Date: 2015-07-28

Effective Date: 2015-08-12

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

Action taken: Amendment of Subpart 635-6 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07 and 13.09(b)

Subject: Costs of Real Property.

Purpose: To allow OPWDD to pay lease costs or property costs not otherwise allowed in existing regulations.

Text or summary was published in the June 3, 2015 issue of the Register, I.D. No. PDD-22-15-00006-EP.

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

Text of rule and any required statements and analyses may be obtained from: Regulatory Affairs Unit, OPWDD, 44 Holland Avenue, Albany, NY 12229, (518) 474-7700, email: RAU.unit@opwdd.ny.gov

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

Assessment of Public Comment

The agency received no public comment.

Public Service Commission

NOTICE OF ADOPTION

Authorizing Albee Tower to Submeter Electricity at 70 Fleet Street, Brooklyn, New York

I.D. No. PSC-48-14-00013-A

Filing Date: 2015-07-22

Effective Date: 2015-07-22

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

Action taken: On 7/16/15, the PSC adopted an order authorizing the petition of Albee Tower 1 Owners LLC (Albee Tower) to submeter electricity at 70 Fleet Street, Brooklyn, New York.

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

Subject: Authorizing Albee Tower to submeter electricity at 70 Fleet Street, Brooklyn, New York.

Purpose: To authorize Albee Tower to submeter electricity at 70 Fleet Street, Brooklyn, New York.

Substance of final rule: The Commission, on July 16, 2015, adopted an order authorizing the petition of Albee Tower 1 Owners LLC (Albee Tower) to submeter electricity at 70 Fleet Street, Brooklyn, 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: Elaine Agresta, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2660, email: elaine.agresta@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(14-E-0320SA1)

NOTICE OF ADOPTION

Authorization for ReEnergy to Enter into a Maintenance Resource Contract with NYSERDA

I.D. No. PSC-51-14-00005-A

Filing Date: 2015-07-22

Effective Date: 2015-07-22

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

Action taken: On 7/16/15, the PSC adopted an order authorizing ReEnergy Chateaugay, LLC (ReEnergy) to enter into a maintenance resource contract with New York State Research and Development Authority (NYSERDA) under the Renewable Portfolio Standard (RPS) Program.

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

Subject: Authorization for ReEnergy to enter into a maintenance resource contract with NYSERDA.

Purpose: To authorize ReEnergy to enter into a maintenance resource contract with NYSERDA.

Substance of final rule: The Commission, on July 16, 2015, adopted an order authorizing ReEnergy Chateaugay, LLC (ReEnergy) to enter into a maintenance resource contract with New York State Research and Development Authority (NYSERDA) under the Renewable Portfolio Standard (RPS) Program with a total production incentive of $33.49/MWh, up to 128,000 MWh produced annually, for a term of four years

and seven months for actual electricity production, 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: Elaine Agresta, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2660, email: elaine.agresta@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(03-E-0188SA52)

NOTICE OF ADOPTION

Authorizing North Queensview to Submeter Electricity at Various Addresses in Long Island, New York

I.D. No. PSC-16-15-00011-A

Filing Date: 2015-07-22

Effective Date: 2015-07-22

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

Action taken: On 7/16/15, the PSC adopted an order authorizing the Notice of Intent of North Queensview Homes, Inc. (North Queensview) to submeter electricity at various addresses in Long Island, New York.

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

Subject: Authorizing North Queensview to submeter electricity at various addresses in Long Island, New York.

Purpose: To authorize North Queensview to submeter electricity at various addresses in Long Island, New York.

Substance of final rule: The Commission, on July 16, 2015, PSC adopted an order authorizing the Notice of Intent of North Queensview Homes, Inc. (North Queensview) to submeter electricity at 33-60 21st Street, 33-64 21st Street, 33-65 14th Street, 33-55 14th Street, 33-43 14th Street, 33-47 14th Street and 33-68 21st Street, Long Island, 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: Elaine Agresta, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2660, email: elaine.agresta@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0172SA1)

NOTICE OF ADOPTION

Authorizing Homeport to Submeter Electricity at 7 and 8 Navy Pier Court, Staten Island, New York

I.D. No. PSC-16-15-00012-A

Filing Date: 2015-07-22

Effective Date: 2015-07-22

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

Action taken: On 7/16/15, the PSC adopted an order authorizing the Notice of Intent of Homeport I LLC (Homeport) to submeter electricity at 7 and 8 Navy Pier Court, Staten Island, New York.

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

Subject: Authorizing Homeport to submeter electricity at 7 and 8 Navy Pier Court, Staten Island, New York.

Purpose: To authorize Homeport to submeter electricity at 7 and 8 Navy Pier Court, Staten Island, New York.

Substance of final rule: The Commission, on July 16, 2015, PSC adopted an order authorizing the Notice of Intent of Homeport I LLC (Homeport) to submeter electricity at 7 and 8 Navy Pier Court, Staten Island, 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: Elaine Agresta, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2660, email: elaine.agresta@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0193SA1)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Recommendations to Accelerate Switching Between Utility Service and an ESCO

I.D. No. PSC-32-15-00004-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 recommendations in a report filed by Department of Public Service Staff on July 24, 2015, in Case 12-M-0476, which would reduce the time necessary to switch customers between utility gas/electric service and ESCOs.

Statutory authority: Public Service Law, sections 5(1), 65(1), (2), (3), 66(1), (2), (3), (5), (8), (9) and (12)

Subject: Recommendations to accelerate switching between utility service and an ESCO.

Purpose: To consider recommendations to accelerate switching between utility service and an ESCO.

Substance of proposed rule: The Public Service Commission is considering recommendations in a collaborative report filed by Department of Public Service Staff on July 24, 2015, in case 12-M-0476, which details changes that may be made in business practices to reduce the time required to switch customers from utility or Energy Service Company (ESCO) gas or electric service to that provided by another ESCO or the serving utility. Alternatives to the recommendations made in the report that have been presented to the Commission may also be considered. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: Elaine.Agresta@dps.ny.gov

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

Public comment will be received until: 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.

(12-M-0476SP11)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Petition for Rehearing of the Order Adopting Dynamic Load Management Filings with Modifications

I.D. No. PSC-32-15-00005-P

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

Proposed Action: The Commission is considering a petition requesting rehearing of the June 18, 2015 Order Adopting Dynamic Load Manage-

ment Filings with Modifications submitted by Multiple Intervenors on July 17, 2015.

Statutory authority: Public Service Law, sections 22, 64, 65(1), (2), (3), (5), 66(1), (2), (5), (8), (9), (10) and (12)

Subject: Petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications.

Purpose: To consider a petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications.

Substance of proposed rule: The Public Service Commission is considering a petition submitted on July 17, 2015 by Multiple Intervenors requesting rehearing of the Order Adopting Dynamic Load Management Filings with Modifications issued in Case 14-E-0423, as well as several related proceedings, on June 18, 2015. Multiple Intervenors requests rehearing regarding cost allocation and cost recovery methodologies for Dynamic Load Management Programs, which were approved by the Commission in the June 18 Order. The Commission may reaffirm its initial decision or adhere to it with additional rationale, modify the decision, reverse the decision, or take such other or further action as it deems necessary.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: elaine.agresta@dps.ny.gov

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

Public comment will be received until: 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.

(14-E-0423SP1)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Development of a Community Solar Demonstration Project

I.D. No. PSC-32-15-00006-P

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

Proposed Action: The Commission is considering a Petition filed on July 1, 2015 by Central Hudson Gas & Electric Corporation requesting Commission approval to develop a Community Solar Demonstration Project.

Statutory authority: Public Service Law, sections 5(1), 65(1), (2), (3), 66(1), (2), (3), (5), (8), (9) and (12)

Subject: Development of a Community Solar Demonstration Project.

Purpose: To approve the development of a Community Solar Demonstration Project.

Substance of proposed rule: The Public Service Commission is considering a petition filed on July 1, 2015 by Central Hudson Gas & Electric Corporation (Central Hudson) requesting Commission approval to develop a Community Solar Demonstration Project (Project). Through the Project, Central Hudson aims to provide customers that may not otherwise be able to install a customer sited photo voltaic solar generation facility with an opportunity to obtain solar energy. The Commission may adopt, reject, or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: elaine.agresta@dps.ny.gov

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

Public comment will be received until: 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.

(15-E-0434SP1)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Approval of Cost Recovery and Incentive Mechanisms for the NWA Project

I.D. No. PSC-32-15-00007-P

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

Proposed Action: The Commission is considering a proposal by Central Hudson Gas & Electric Corporation regarding the cost recovery and incentive mechanism for the Non-Wires Alternative Project (NWA Project).

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

Subject: Approval of cost recovery and incentive mechanisms for the NWA Project.

Purpose: To approve the cost recovery and incentive mechanisms for the NWA Project.

Substance of proposed rule: The Commission is considering a proposal filed by Central Hudson Gas & Electric Corporation (Central Hudson or the Company) pursuant to Commission Order Approving Rate Plan (Rate Plan Order) issued June 17, 2015 in Cases 14-E-0318 and 14-G-0319. In the Rate Plan Order, the Commission directed Central Hudson to file a description of the surcharge mechanism to be used, the manner in which costs will be recovered, and an analysis of alternative incentive mechanisms regarding the Company's Non-Wires Alternative (NWA) Project. The Commission may grant, deny or modify, in whole or in part, Central Hudson's proposal, and may consider other related items.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: elaine.agresta@dps.ny.gov

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

Public comment will be received until: 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.

(14-E-0318SP3)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Clarification or Correction of Three Aspects of the June 17, 2015 Order Approving Rate Plan in Cases 14-E-0318 and 14-G-0319

I.D. No. PSC-32-15-00008-P

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

Proposed Action: The Commission is considering a request by Central Hudson Gas and Electric Corporation for rehearing of certain aspects of the June 17, 2015 Order Approving Rate Plan in Cases 14-E-0318 and 14-G-0319.

Statutory authority: Public Service Law, sections 4, 22 and 66

Subject: Clarification or correction of three aspects of the June 17, 2015 Order Approving Rate Plan in Cases 14-E-0318 and 14-G-0319.

Purpose: To consider a request for rehearing of three aspects of the Order Approving Rate Plan in Cases 14-E-0318 and 14-G-0319.

Substance of proposed rule: The Public Service Commission is considering whether to grant, deny or modify, in whole or part, the request filed by Central Hudson Gas and Electric Corporation for rehearing to correct or clarify the Commission's June 17, 2015 Order Approving Rate Plan in Cases 14-E-0318 and 14-G-0319. In particular, Central Hudson challenges: 1. the reference on page 12 of the Order to ''future revenue requirements,'' 2. the reference on page 25 of the Order to the conversion of ''3,875 commercial customers to gas service,'' and 3. the reference on

page 29 of the Order to the size of the negative revenue adjustment associated with failing to meet the SAIFI or the CAIDI metric. The Commission may grant, deny, or modify the relief requested or it may provide an alternate resolution described in any response to the request or otherwise related to the request.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: elaine.agresta@dps.ny.gov

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

Public comment will be received until: 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.

(14-E-0318SP2)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Amendments to the Uniform Business Practices of ESCOs

I.D. No. PSC-32-15-00009-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 recommendations in a report filed by Department of Public Service Staff on July 24, 2015 in case 15-M-0127, proposing amendments to the Uniform Business Practices of ESCOs.

Statutory authority: Public Service Law, sections 5(1), 65(1), (2), (3), 66(1), (2), (3), (5), (8), (9) and (12)

Subject: Amendments to the Uniform Business Practices of ESCOs.

Purpose: To consider amendments to the Uniform Business Practices of ESCOs.

Substance of proposed rule: The Public Service Commission is considering proposed amendments to the Uniform Business Practices filed by Department of Public Service Staff on July 24, 2015, in case 15-M-0127, which set forth requirements that Energy Service Companies (ESCOs) must satisfy when providing electric or gas services in New York State. Alternatives to the recommendations made in the report may also be considered. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2659, email: John.Pitucci@dps.ny.gov

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

Public comment will be received until: 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.

(15-M-0127SP1)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Proposed Revisions to the Portfolio of Natural Gas Pipeline Transportation and Storage Assets

I.D. No. PSC-32-15-00010-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 whether to approve, modify or reject, in whole or in part Rochester Gas and Electric Corporation's revisions to P.S.C. No. 16 to reflect changes to its portfolio of natural gas transportation and storage assets.

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

Subject: Proposed revisions to the portfolio of natural gas pipeline transportation and storage assets.

Purpose: To approve the proposed revisions to the portfolio of natural gas pipeline transportation and storage assets.

Substance of proposed rule: The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a tariff filing by Rochester Gas and Electric Corporation (RG&E) to revise its gas tariff, P.S.C. No. 16, to reflect changes to its portfolio of natural gas pipeline transportation and storage assets. The proposed tariff revisions describe the process for assignment of the transportation and storage capacity, and the transfer of storage gas and capacity between RG&E and energy service companies. The amendments have an effective date of November 1, 2015. The Commission may also consider other related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: elaine.agresta@dps.ny.gov

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

Public comment will be received until: 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.

(15-G-0439SP1)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Increase in the Aggregate Authorized Financing Limit from $30 Million to $75 Million

I.D. No. PSC-32-15-00011-P

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

Proposed Action: The Commission is considering the petition of Alliance Energy New York, LLC, Alliance NYGT, LLC and Alliance Energy Transmissions, LLC, to increase their aggregate authorized financing limit from $30 million to $75 million.

Statutory authority: Public Service Law, section 69

Subject: Increase in the aggregate authorized financing limit from $30 million to $75 million.

Purpose: To consider the proposal to increase the aggregate authorized financing limit from $30 million to $75 million.

Substance of proposed rule: The Public Service Commission is considering a petition filed on July 2, 2015 by Alliance Energy New York, LLC, Alliance NYGT, LLC and Alliance Energy Transmissions, LLC requesting approval, pursuant to Public Service Law (PSL) Section 69, to increase their aggregate authorized financing limit from $30 million to $75 million for a period of 10 years, to grant liens on all of substantially all of their assets and properties in connection with such indebtedness guarantees. Alliance Energy New York, LLC, Alliance NYGT, LLC and Alliance Energy Transmissions, LLC also request that the Commission grant them the flexibility to substitute financing entities and change payment terms and financing amounts without having to seek new Commission authorization so long as the total financing amount is less than or equal to $75 million. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: Elaine.Agresta@dps.ny.gov

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

Public comment will be received until: 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.

(15-M-0406SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Standards for Commission Oversight of Distributed Energy Resource Suppliers

I.D. No. PSC-32-15-00012-P

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

Proposed Action: The Commission is considering a filing made on July 28, 2015 by Department of Public Service Staff proposing standards for Commission oversight of Distributed Energy Resource (DER) suppliers.

Statutory authority: Public Service Law, sections 5(1), 65(1), (2), (3), 66(1), (2), (3), (5), (8), (9) and (12)

Subject: Proposed standards for Commission oversight of Distributed Energy Resource suppliers.

Purpose: To consider proposed standards for Commission oversight of Distributed Energy Resource suppliers.

Substance of proposed rule: The Public Service Commission is considering a filing made on July 28, 2015 by Department of Public Service Staff (Staff) proposing standards for Commission oversight of Distributed Energy Resource (DER) suppliers in Case 14-E-0488. The proposed Uniform Business Practices for Distributed Energy Resource Suppliers are aimed at ensuring consumer protections, while at the same time enabling markets for DER products and services to develop through fair competition. The Commission may adopt, reject, or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: elaine.agresta@dps.ny.gov

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

Public comment will be received until: 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.

(15-M-0180SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Establishing an Electric Energy Efficiency Tracker (EE Tracker) Program

I.D. No. PSC-32-15-00013-P

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

Proposed Action: The Public Service Commission is considering whether to approve, reject or modify, in whole or in part,Consolidated Edison Company of New York, Inc.'s proposal to establish an electric Energy Efficiency Tracker contained in P.S.C. No. 10—Electricity.

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

Subject: Establishing an electric Energy Efficiency Tracker (EE Tracker) program.

Purpose: To approve the establishment of an electric EE Tracker program.

Substance of proposed rule: The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a tariff filing submitted on July 20, 2015 by Consolidated Edison Company of New York, Inc. (Con Edison) to establish an electric Energy Efficiency Tracker contained in P.S.C. No. 10 – Electricity. Con Edison proposes to establish a collection mechanism, an Energy Efficiency Tracker, to recover costs of energy efficiency programs that are not recovered in base rates pursuant to the Commission's Order Authorizing Utility-Administered Electric Energy Efficiency Portfolios, issued June 19, 2015, in Case 15-M-0252. The amendments have an effective date of January 1, 2016. The Commission may also consider other related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: elaine.agresta@dps.ny.gov

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

Public comment will be received until: 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.

(15-M-0252SP12)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Establishing a Gas Energy Efficiency Tracker (EE Tracker) Program

I.D. No. PSC-32-15-00014-P

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

Proposed Action: The Public Service Commission is considering whether to approve, reject or modify, in whole or in part,Consolidated Edison Company of New York, Inc.'s proposal to establish a gas Energy Efficiency Tracker contained in P.S.C. No. 9—Gas.

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

Subject: Establishing a gas Energy Efficiency Tracker (EE Tracker) program.

Purpose: To approve the establishment of a gas EE Tracker program.

Substance of proposed rule: The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a tariff filing submitted on July 20, 2015 by Consolidated Edison Company of New York, Inc. (Con Edison) to establish a gas Energy Efficiency Tracker contained in P.S.C. No. 9 – Gas. Con Edison proposes to establish a collection mechanism, an Energy Efficiency Tracker, to recover costs of energy efficiency programs that are not recovered in base rates pursuant to the Commission's Order Authorizing Utility-Administered Electric Energy Efficiency Portfolios, issued June 19, 2015, in Case 15-M-0252. The amendments have an effective date of January 1, 2016. The Commission may also consider other related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: elaine.agresta@dps.ny.gov

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

Public comment will be received until: 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.

(15-M-0252SP13)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Establishing a Gas Energy Efficiency Tracker (EE Tracker) Program

I.D. No. PSC-32-15-00015-P

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

Proposed Action: The Public Service Commission is considering whether to approve, reject or modify, in whole or in part, KeySpan Gas East Corporation d/b/a Brooklyn Union of L.I.'s proposal to establish a gas Energy Efficiency Tracker contained in P.S.C. No. 1—Gas.

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

Subject: Establishing a gas Energy Efficiency Tracker (EE Tracker) program.

Purpose: To approve the establishment of a gas EE Tracker program.

Substance of proposed rule: The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a tariff filing submitted on July 20, 2015 by KeySpan Gas East Corporation d/b/a Brooklyn Union of L.I. (KEDLI) to establish a gas Energy Efficiency Tracker contained in P.S.C. No. 1 – Gas. KEDLI proposes to establish a collection mechanism, an Energy Efficiency Tracker, to recover costs of energy efficiency programs that are not recovered in base rates pursuant to the Commission's Order Authorizing Utility-Administered Electric Energy Efficiency Portfolios, issued June 19, 2015, in Case 15-M-0252. The amendments have an effective date of January 1, 2016. The Commission may also consider other related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: elaine.agresta@dps.ny.gov

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

Public comment will be received until: 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.

(15-M-0252SP14)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Establishing a Gas Energy Efficiency Tracker (EE Tracker) Program

I.D. No. PSC-32-15-00016-P

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

Proposed Action: The Public Service Commission is considering whether to approve, reject or modify, in whole or in part, National Fuel Gas Distribution Corporation's proposal to establish a gas Energy Efficiency Tracker contained in P.S.C. No. 8—Gas.

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

Subject: Establishing a gas Energy Efficiency Tracker (EE Tracker) program.

Purpose: To approve the establishment of a gas EE Tracker program.

Substance of proposed rule: The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a tariff filing submitted on July 17, 2015 by National Fuel Gas Distribution Corporation (National Fuel) to establish a gas Energy Efficiency Tracker contained in P.S.C. No. 8 – Gas. National Fuel proposes to establish a collection mechanism, an Energy Efficiency Tracker, to recover costs of energy efficiency programs that are not recovered in base rates pursuant to the Commission's Order Authorizing Utility-Administered Electric Energy Efficiency Portfolios, issued June 19, 2015, in Case 15-M-0252. The amendments have an effective date of January 1, 2016. The Commission may also consider other related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: elaine.agresta@dps.ny.gov

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

Public comment will be received until: 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.

(15-M-0252SP15)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Establishing an Electric Energy Efficiency Tracker (EE Tracker) Program

I.D. No. PSC-32-15-00017-P

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

Proposed Action: The Public Service Commission is considering whether to approve, reject or modify, in whole or in part, New York State Electric & Gas Corporation's proposal to establish an electric Energy Efficiency Tracker contained in P.S.C Nos. 120 and 121—Electricity.

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

Subject: Establishing an electric Energy Efficiency Tracker (EE Tracker) program.

Purpose: To approve the establishment of an electric EE Tracker program.

Substance of proposed rule: The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a tariff filing submitted on July 20, 2015 by New York State Electric & Gas Corporation (NYSEG) to establish an electric Energy Efficiency Tracker contained in P.S.C. Nos. 120 and 121 – Electricity. NYSEG proposes to establish a collection mechanism, an Energy Efficiency Tracker, to recover costs of energy efficiency programs that are not recovered in base rates pursuant to the Commission's Order Authorizing Utility-Administered Electric Energy Efficiency Portfolios, issued June 19, 2015, in Case 15-M-0252. The amendments have an effective date of January 1, 2016. The Commission may also consider other related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: elaine.agresta@dps.ny.gov

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

Public comment will be received until: 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.

(15-M-0252SP16)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Establishing an Electric Energy Efficiency Tracker (EE Tracker) Program

I.D. No. PSC-32-15-00018-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 Niagara

Mohawk Power Corporation d/b/a National Grid's proposal to establish an electric Energy Efficiency Tracker contained in P.S.C. Nos. 214 and 220 — Electricity.

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

Subject: Establishing an electric Energy Efficiency Tracker (EE Tracker) program.

Purpose: To approve the establishment of an electric EE Tracker program.

Substance of proposed rule: The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a tariff filing submitted on July 20, 2015 by Niagara Mohawk Power Corporation d/b/a National Grid (Niagara Mohawk) to establish an electric Energy Efficiency Tracker contained in P.S.C. Nos. 214 and 220 – Electricity. Niagara Mohawk proposes to establish a collection mechanism, an Energy Efficiency Tracker, to recover costs of energy efficiency programs that are not recovered in base rates pursuant to the Commission's Order Authorizing Utility-Administered Electric Energy Efficiency Portfolios, issued June 19, 2015, in Case 15-M-0252. The amendments have an effective date of January 1, 2016. The Commission may also consider other related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: elaine.agresta@dps.ny.gov

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

Public comment will be received until: 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.

(15-M-0252SP18)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Establishing a Gas Energy Efficiency Tracker (EE Tracker) Program

I.D. No. PSC-32-15-00019-P

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

Proposed Action: The Public Service Commission is considering whether to approve, reject or modify, in whole or in part,Niagara Mohawk Power Corporation d/b/a National Grid's proposal to establish a gas Energy Efficiency Tracker contained in P.S.C. No. 219—Gas.

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

Subject: Establishing a gas Energy Efficiency Tracker (EE Tracker) program.

Purpose: To approve the establishment of a gas EE Tracker program.

Substance of proposed rule: The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a tariff filing submitted July 20, 2015 by Niagara Mohawk Power Corporation d/b/a National Grid (Niagara Mohawk) to establish a gas Energy Efficiency Tracker contained in P.S.C. No. 219 – Gas. Niagara Mohawk proposes to establish a collection mechanism, an Energy Efficiency Tracker, to recover costs of energy efficiency programs that are not recovered in base rates pursuant to the Commission's Order Authorizing Utility-Administered Electric Energy Efficiency Portfolios, issued June 19, 2015, in Case 15-M-0252. The amendments have an effective date of January 1, 2016. The Commission may also consider other related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: elaine.agresta@dps.ny.gov

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

Public comment will be received until: 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.

(15-M-0252SP19)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Establishing an Electric Energy Efficiency Tracker (EE Tracker) Program

I.D. No. PSC-32-15-00020-P

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

Proposed Action: The Public Service Commission is considering whether to approve, reject or modify, in whole or in part,Rochester Gas and Electric Corporation's proposal to establish an electric Energy Efficiency Tracker contained in P.S.C. Nos. 18 and 19—Electricity.

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

Subject: Establishing an electric Energy Efficiency Tracker (EE Tracker) program.

Purpose: To approve the establishment of an electric EE Tracker program.

Substance of proposed rule: The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a tariff filing submitted on July 20, 2015 by Rochester Gas and Electric Corporation (RG&E) to establish an electric Energy Efficiency Tracker contained in P.S.C. Nos. 18 and 19 — Electricity. RG&E proposes to establish a collection mechanism, an Energy Efficiency Tracker, to recover costs of energy efficiency programs that are not recovered in base rates pursuant to the Commission's Order Authorizing Utility-Administered Electric Energy Efficiency Portfolios, issued June 19, 2015, in Case 15-M-0252. The amendments have an effective date of January 1, 2016. The Commission may also consider other related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: elaine.agresta@dps.ny.gov

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

Public comment will be received until: 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.

(15-M-0252SP20)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Establishing a Gas Energy Efficiency Tracker (EE Tracker) Program

I.D. No. PSC-32-15-00021-P

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

Proposed Action: The Public Service Commission is considering whether to approve, reject or modify, in whole or in part, Rochester Gas and Electric Corporation's proposal to establish a gas Energy Efficiency Tracker contained in P.S.C. No. 16—Gas.

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

Subject: Establishing a gas Energy Efficiency Tracker (EE Tracker) program.

Purpose: To approve the establishment of a gas EE Tracker program.

Substance of proposed rule: The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a tariff filing submitted on July 20, 2015 by Rochester Gas and Electric Corporation

(RG&E) to establish a gas Energy Efficiency Tracker contained in P.S.C. No. 16 – Gas. RG&E proposes to establish a collection mechanism, an Energy Efficiency Tracker, to recover costs of energy efficiency programs that are not recovered in base rates pursuant to the Commission's Order Authorizing Utility-Administered Electric Energy Efficiency Portfolios, issued June 19, 2015, in Case 15-M-0252. The amendments have an effective date of January 1, 2016. The Commission may also consider other related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: elaine.agresta@dps.ny.gov

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

Public comment will be received until: 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.

(15-M-0252SP21)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Establishing a Gas Energy Efficiency Tracker (EE Tracker) Program

I.D. No. PSC-32-15-00022-P

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

Proposed Action: The Public Service Commission is considering whether to approve, reject or modify, in whole or in part, The Brooklyn Union Gas Company d/b/a National Grid NY's proposal to establish a gas Energy Efficiency Tracker contained in P.S.C. No. 12—Gas.

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

Subject: Establishing a gas Energy Efficiency Tracker (EE Tracker) program.

Purpose: To approve the establishment of a gas EE Tracker program.

Substance of proposed rule: The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a tariff filing submitted on July 20, 2015 by The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY) to establish a gas Energy Efficiency Tracker contained in P.S.C. No. 12 – Gas. KEDNY proposes to establish a collection mechanism, an Energy Efficiency Tracker, to recover costs of energy efficiency programs that are not recovered in base rates pursuant to the Commission's Order Authorizing Utility-Administered Electric Energy Efficiency Portfolios, issued June 19, 2015, in Case 15-M-0252. The amendments have an effective date of January 1, 2016. The Commission may also consider other related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: elaine.agresta@dps.ny.gov

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

Public comment will be received until: 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.

(15-M-0252SP22)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Establishing a Gas Energy Efficiency Tracker (EE Tracker) Program

I.D. No. PSC-32-15-00023-P

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

Proposed Action: The Public Service Commission is considering whether to approve, reject or modify, in whole or in part, New York State Electric & Gas Corporation's proposal to establish a gas Energy Efficiency Tracker contained in P.S.C. Nos. 87, 88 and 90 — Gas.

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

Subject: Establishing a gas Energy Efficiency Tracker (EE Tracker) program.

Purpose: To approve the establishment of a gas EE Tracker program.

Substance of proposed rule: The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a tariff filing submitted on July 20, 2015 by New York State Electric & Gas Corporation (NYSEG) to establish a gas Energy Efficiency Tracker contained in P.S.C. Nos. 87, 88 and 90 — Gas. NYSEG proposes to establish a collection mechanism, an Energy Efficiency Tracker, to recover costs of energy efficiency programs that are not recovered in base rates pursuant to the Commission's Order Authorizing Utility-Administered Electric Energy Efficiency Portfolios, issued June 19, 2015, in Case 15-M-0252. The amendments have an effective date of January 1, 2016. The Commission may also consider other related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: elaine.agresta@dps.ny.gov

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

Public comment will be received until: 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.

(15-M-0252SP17)

Department of State

NOTICE OF ADOPTION

Safety Standards for Anchoring, Securing, and Counter-Weighting Movable Soccer Goals

I.D. No. DOS-22-15-00011-A
Filing No. 660
Filing Date: 2015-07-28
Effective Date: 2015-08-12

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

Action taken: Addition of Part 4608 to Title 21 NYCRR.

Statutory authority: General Business Law, section 399-j

Subject: Safety standards for anchoring, securing, and counter-weighting movable soccer goals.

Purpose: To establish the U.S. Consumer Product Safety Commission's ''Guidelines for Movable Soccer Goal Safety'' as the New York standard.

Text or summary was published in the June 3, 2015 issue of the Register, I.D. No. DOS-22-15-00011-EP.

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

Text of rule and any required statements and analyses may be obtained from: Paula J. O'Brien, Esq., New York State Department of State, 99 Washington Avenue, Suite 640, Albany, NY 12231, (518) 474-2257, email: paula.obrien@dos.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2018, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.