

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

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Gasoline and Gasoline Alcohol Blends

I.D. No. AAM-34-16-00002-P

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

Proposed Action: This is a consensus rulemaking to amend Part 224 of Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 16(1), 18(1), 179(3)(b), 192-a(1) and (7)

Subject: Gasoline and gasoline alcohol blends.

Purpose: To allow for gasoline alcohol blends that contain up to fifteen percent alcohol.

Text of proposed rule: Section 224.1 of 1 NYCRR is amended by adding thereto a new subdivision (m), to read as follows:

(m) *40 CFR means Title 40 of the Code of Federal Regulations, revised as of July 1, 2016, published by the U.S. Government Printing Office, Washington, D.C. A copy of 40 CFR is maintained in a file at the Department of Agriculture and Markets, Bureau of Weights and Measures, 10B Airline Drive, Albany, New York 12235, and the Department of State, 99 Washington Avenue, Suite 650, Albany, New York 12231, and is available for public inspection and copying during regular business hours.*

The portion of subdivision (a) of section 224.3 of 1 NYCRR immediately preceding the provisions of paragraph (1) thereof is amended to read as follows:

(a) Automotive gasoline. All automotive gasoline shall meet the

requirement in the Annual Book of ASTM Standards, specification number [D 4814-12] *D 4814-15a*, except as noted below.

Subparagraph (i) of paragraph (2) of subdivision (a) of section 224.3 of 1 NYCRR is amended to read as follows:

(i) The total [alcohol] *ethanol* content of any [gasoline-alcohol] *gasoline-ethanol* blend shall not exceed [10] *15* percent by volume.

Paragraph (1) of subdivision (c) of section 224.9 is amended to read as follows:

(1) If you are a retailer, you must post the octane rating of [all] automotive gasoline, *except gasoline-ethanol blends containing more than 10 percent and not more than 15 percent ethanol by volume*, you sell to consumers. You must do this by putting at least one label on each face of each gasoline dispenser through which you sell gasoline. If you are selling two or more kinds of gasoline with different octane ratings from a single dispenser, you must put separate labels for each kind of gasoline on each face of the dispenser.

Section 224.11 of 1 NYCRR is amended by adding thereto a new subdivision (h), to read as follows:

(h) *Labels for gasoline-ethanol blends that contain more than 10 percent and not more than 15 percent ethanol by volume shall be in compliance with the requirements set forth in 40 CFR section 80-1501.*

Text of proposed rule and any required statements and analyses may be obtained from: Mr. Michael Sikula, Director, Bureau of Weights & Measures, Agriculture and Markets, 10B Airline Drive, Albany, NY 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.

Consensus Rule Making Determination

The proposed rule will amend 1 NYCRR Part 224 to allow for the sale and distribution of gasoline-ethanol fuel blends that contain up to fifteen percent alcohol, in contrast to the presently existing requirement that allows for such fuel to contain only up to ten percent alcohol, and will, also, require gasoline-ethanol blends to comply with certain labeling requirements set forth in federal regulation. Furthermore, the proposed rule will require automotive gasoline to meet updated requirements published by ASTM International, an organization comprised of producers and users of industrial commodities, as well as of government regulators, consumers, and academicians that, inter alia, publishes standards for industrial commodities.

As the proposed rule provides greater flexibility in gasoline-ethanol fuel blends and requires compliance applicable federal regulation already applicable for interstate commerce and the updated ASTM industry standards, it is believed that no one will object to the proposed amendments.

Based upon the foregoing, it is anticipated that the proposed rule meets the definition of a consensus rule as set forth in SAPA section 102(11).

Job Impact Statement

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

The proposed rule will amend 1 NYCRR Part 224 to allow gasoline-ethanol blends to contain up to fifteen percent ethanol, an increase from the current regulations that permit gasoline-ethanol blends to contain up to ten percent ethanol. As the proposed rule is permissive and adds no additional requirements on industry participants than found in the current regulations, employment opportunities in businesses that handle automotive fuel, and particularly gasoline-ethanol blends, should not be affected by the proposed rule.

Furthermore, the proposed rule may have a positive indirect impact upon employment opportunities. Currently, there are at least two manufacturing plants in the State that manufacture ethanol from, at least in part, plant matter grown or harvested in the State. To the extent that gasoline-ethanol blends "use" more ethanol in such blends, and use more than is currently used, employment opportunities on farms and in ethanol manufacturing plants in the State that presently exist or that may be built could very well increase.

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

Firewood (all Hardwood Species), Nursery Stock, Logs, Green Lumber, Stumps, Roots, Branches and Debris of Half an Inch or More

I.D. No. AAM-34-16-00003-P

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

Proposed Action: Repeal of sections 139.2(b) and 139.3(b)(1); addition of new sections 139.2(b) and 139.3(b)(1) to Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 16, 164 and 167

Subject: Firewood (all hardwood species), nursery stock, logs, green lumber, stumps, roots, branches and debris of half an inch or more.

Purpose: To modify the ALB quarantine to prevent the further spread of the beetle and to modify the list of regulated articles.

Text of proposed rule: Subdivision (b) of section 139.2 of 1 NYCRR is repealed, and a new subdivision (b) is added to read as follows:

(b) *That area in the Villages of Amityville, Babylon, Farmingdale, Lindenhurst, Massapequa Park and the hamlets of North Amityville, Bethpage, Old Bethpage, North Babylon, West Babylon, Copiague, Deer Park, East Farmingdale, South Farmingdale, North Lindenhurst, Melville, Massapequa, East Massapequa, North Massapequa, Wheatley Heights and Wyandanch; in the Towns of Babylon, Oyster Bay and Huntington; in the Counties of Nassau and Suffolk and bounded by a line beginning at a point where West Main Street intersects the west shoreline of Carll's River; then west along West Main Street to its intersection with Route 109; then northwest along Route 109 to its junction with Little East Neck Road, continuing northwest along Little East Neck Road to its junction with Belmont Avenue; then north along Belmont Avenue to its intersection with August Road; then southeast on August Road to its junction with Chuck Blvd.; then northeast along Chuck Blvd. to its intersection with Erlanger Blvd.; then east along Erlanger Blvd. to its intersection with Woods Road; then north along Woods Road to its intersection with Westview Avenue; then west along Westview Avenue to its intersection with W 24th Street; then north along W 24th Street to its intersection with Grand Blvd.; then east on Grand Blvd. to its intersection with W 23rd Street; then north along W 23rd Street continuing north over the Long Island Rail Road tracks and intersecting with Acorn Street; then west along Acorn Street to its junction with Adams Street; then following Adams Street north and then east to its junction with Somerset Place; then north on Somerset Place to its intersection with Nicolls Road; then west on Nicholls Road to its intersection with Venedia Drive; then north on Venedia Drive to its intersection with Straight Path; then southwest on Straight Path to its junction with Brown Blvd.; then north on Brown Blvd. to its intersection with Foothill Place; then west on Foothill Place to its intersection with Landscape Drive; then north on Landscape Drive to the point it becomes West Hills Place; then north on West Hills Place to the point it intersects with West Farm Drive; then west on West Farm Drive to its intersection with Bagatelle Road; then north along Bagatelle Road to its intersection with the south service road of the Long Island Expressway, following the south service road of the Long Island Expressway west to its intersection with Round Swamp Road; then south on Round Swamp Road to its junction with Quaker Meeting House Road; then southwest on Quaker Meeting House Road until it intersects with Merrits Road; then west on Merrits Road until the point it becomes Central Avenue; continuing west on Central Avenue until it intersects with the Bethpage Parkway; then south on the Bethpage Parkway until its intersection with (Route 24) Hempstead Turnpike; then west along Hempstead Turnpike to its intersection with Hemlock Drive; then south along Hemlock Drive to its intersection with Cheryl Lane North; then east and south along Cheryl Lane North to its intersection with Boundary Avenue; then east on Boundary Avenue to its intersection with North Broadway; then south on North Broadway and Broadway to its junction with Hicksville Road; then south along Hicksville Road to the point it becomes Division Avenue continuing south along Division Avenue to its intersection with South Oyster Bay; then east along the shoreline to Carll's River, then north along the west shoreline of Carll's River to the point of beginning.*

Paragraph 1 of subdivision (b) of section 139.3 of 1 NYCRR is repealed and a new paragraph 1 of subdivision (b) of section 139.3 of 1 NYCRR is added to read as follows:

(1) *Firewood (all hardwood species) and all host material living, dead, cut or fallen, inclusive of nursery stock, logs, green lumber, stumps, roots, branches and debris of a half inch or more in diameter of the fol-*

lowing genera: Acer (Maple); Aesculus (Horse Chestnut); Albizia (Silk Tree or Mimosa); Betula (Birch); Cercidiphyllum japonicum (Katsura); Fraxinus (Ash); Koelreuteria (Goldenrain tree); Platanus (Plane Tree, Sycamore); Populus (Poplar); Salix (Willow); Sorbus (Mountain Ash); and Ulmus (Elm) are regulated articles.

Text of proposed rule and any required statements and analyses may be obtained from: Christopher Logue, NYS Department of Agriculture and Markets, 10B Airline Drive, Albany, New York, 12235, (518) 457-2087, email: Christopher.logue@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.

Regulatory Impact Statement

1. Statutory authority:

Section 18 of Agriculture and Markets Law (AML) provides, in part, that the Commissioner may enact, amend and repeal necessary rules which shall provide generally for the exercise of the powers and performance of the duties of the Department as prescribed in the AML and the laws of the State and for the enforcement of their provisions and the provisions of the rules that have been enacted.

Section 164 of the AML provides, in part, that the Commissioner shall take such action as he may deem necessary to control or eradicate any injurious insects, noxious weeds, or plant diseases existing within the State.

Section 167 of the AML provides, in part, that the Commissioner is authorized to make, issue, promulgate and enforce such orders, by way of quarantines or otherwise, as he may deem necessary or fitting to carry out the purposes of Article 14 of the AML. Section 167 also provides that the Commissioner may adopt and promulgate such rules and regulations to supplement and give full effect to the provisions of Article 14 of the AML as he may deem necessary.

2. Legislative objectives:

The quarantine accords with the public policy objectives the Legislature sought to advance by enacting the statutory authority in that it will help to prevent the further spread within the State of an injurious insect, the Asian long horned beetle (ALB).

3. Need and benefits:

The ALB, *Anoplophora glabripennis*, an insect species non-indigenous to the United States, can cause serious damage to healthy trees by boring into heartwood and eventually killing them. Nursery stock, logs, green lumber, firewood, stumps, roots, branches and debris of a half inch or more in diameter are subject to infestation. Host hardwood materials at risk to attack and infestation include species of the following: *Acer* (Maple); *Aesculus* (Horse Chestnut); *Albizia* (Silk Tree or Mimosa); *Betula* (Birch); *Cercidiphyllum japonicum* (Katsura); *Fraxinus* (Ash); *Koelreuteria* (Goldenrain tree); *Platanus* (Plane Tree, Sycamore); *Populus* (Poplar); *Salix* (Willow); *Sorbus* (Mountain Ash); and *Ulmus* (Elm) are regulated articles.

The pest was initially detected in the Greenpoint section of Brooklyn, in August of 1996. Subsequent survey activities delineated other locations in Brooklyn, as well as locations in and about Amityville, the Town of Islip, Queens, Manhattan and Staten Island. As a result, 1 NYCRR Part 139 was adopted, establishing a quarantine of those areas in which the ALB had been observed. The quarantine was lifted in Islip in 2011 and Manhattan and Staten Island in 2014, due to the eradication of ALB in these areas. The boundaries of current quarantine areas are set forth in 1 NYCRR section 139.2(b).

A new finding of ALB (trees with ALB exit holes) in the East Farmingdale and Wyandanch areas of central Long Island has demonstrated the need to expand the quarantined area by two square miles. The proposed regulations provides for this expansion.

The proposed regulations also amend the list of regulated articles in section 139.3(b)(1) by correcting the spelling of *Albizzia* to *Albizia*; adding *Koelreuteria* (Goldenrain tree) as a regulated article; and removing *Celtis* (Hackberry) as a regulated article.

4. Costs:

(a) Costs to the State government: The Department may incur some additional costs incident to the need to issue phytosanitary certificates or compliance agreements in order to move host materials out of the new quarantined area. However, this cost should be minimal and handled by existing staff.

(b) Costs to local government: None.

(c) Costs to private regulated parties: The extension of the quarantine two square miles in the Old Bethpage and Wyandanch sections of central Long Island area would affect approximately 5 regulated parties located within that area.

Nurseries exporting host material from the quarantine area established by this proposed rule, other than pursuant to compliance agreement, will require an inspection and the issuance of a federal or state phytosanitary

certificate. This service is available at a rate of \$25 per hour. Most inspections will take one hour or less. It is anticipated that there would be 25 or fewer such inspections each year with a total annual cost of less than \$1,000. However, most shipments will be made pursuant to compliance agreements for which there is no charge.

The changes to the list of regulated articles consist of a correction to the spelling of an article; removal of an article (hackberry); and the addition of an article (goldenrain tree). We do not anticipate any additional costs since hackberry is being removed.

(d) Costs to the regulatory agency:

(i) The initial expenses: None. The United States Department of Agriculture is dedicating 3.05-million dollars in funding for ongoing surveys and removal of infested trees.

(ii) The ongoing expenses: None. It is anticipated that the Department will be able to administer the quarantine with existing staff.

5. Local government mandate:

Yard waste, storm clean-up and normal tree maintenance activities involving twigs and/or branches of 1/2" or more in diameter of host species will require handling and disposal, i.e., chipping and/or incineration, if such materials are to leave the quarantined area established by this proposed rule. The Department has identified disposal sites that are approved to accept and properly handle ALB wood waste from local businesses within the quarantined area.

6. Paperwork:

Regulated articles inspected and certified to be free of ALB moving from the quarantine area established by this proposed rule will have to be accompanied by a state or federal phytosanitary certificate and a limited permit or be undertaken pursuant to a compliance agreement.

7. Duplication:

None.

8. Alternatives:

The only alternative considered was to not extend the quarantine in central Long Island. This alternative was rejected. The failure of the State to extend the existing quarantine where the ALB and infested trees have been observed could result in exterior quarantines by foreign and domestic trading partners as well as a federal quarantine of the entire State. It could also place the State's own natural resources (forest, urban and agricultural) at risk from the spread of ALB that could result from the unrestricted movement of regulated articles from the areas covered by the modified quarantine. In light of these factors there does not appear to be any viable alternative to the modification of quarantine proposed in this rulemaking.

9. Federal standards:

The United States Department of Agriculture currently has a parallel ALB quarantine in central Long Island where the quarantined area is being expanded.

10. Compliance schedule:

It is anticipated that regulated parties would be able to comply with the proposed rule immediately.

Regulatory Flexibility Analysis

1. Effect of rule.

There are five regulated parties, most of which are small businesses, affected by the extension of the quarantine by two square miles in the East Farmingdale and Wyandanch areas in central Long Island.

There are 1,040 regulated entities, most of which are small businesses, affected by the change in the list of regulated articles.

Although it is not anticipated that local governments will be involved in the shipment of regulated articles from the proposed quarantined area, in the event that they do, they would be subject to the same quarantine requirements as other regulated parties.

2. Compliance requirements.

All regulated parties in the new quarantined area established by the proposed rule will be required to obtain certificates and limited permits in order to ship regulated articles from that area. In order to facilitate such shipments, regulated parties may enter into compliance agreements.

3. Professional services.

In order to comply with the proposed rule, small businesses and local governments shipping regulated articles from the new quarantined area will require professional inspection services, which would be provided by the Department and the United States Department of Agriculture (USDA).

4. Compliance costs.

(a) Initial capital costs that will be incurred by a regulated business or industry or local government in order to comply with the proposed rule: None.

(b) Annual cost for continuing compliance with the proposed rule: Nurseries exporting host material from the new quarantine area on Long Island, other than pursuant to a compliance agreement, will require an inspection and the issuance of a federal or state phytosanitary certificate. This service is available at a rate of \$25 per hour. Most such inspections will take one hour or less. It is anticipated that there would be 25 or fewer

such inspections each year, with a total cost of less than \$1,000. Most shipments would be made pursuant to compliance agreements for which there is no charge.

Tree removal services will have to chip host material or transport such material under a limited permit to a federal/state disposal site for processing.

Firewood from hardwood species within the new quarantine area may not move outside those areas due to the fact that it is not practical at this time to determine for certifications purposes that the material is free from infestation.

Although it is not anticipated that local governments will be involved in the shipment of regulated articles from the proposed quarantine area, in the event that they do, they would be subject to the same costs as other regulated parties, including small businesses.

The changes to the list of regulated articles consist of a correction to the spelling of "albizia;" removal of an article (hackberry); and the addition of an article (goldenrain tree). We do not anticipate any additional costs since one article is being removed.

5. Economic and technological feasibility.

The economic and technological feasibility of compliance with the proposed rule by small businesses and local governments has been addressed and such compliance has been determined to be feasible. Regulated parties shipping host materials from the new quarantine area, other than pursuant to a compliance agreement, will require an inspection and the issuance of a phytosanitary certificate. Most shipments, however, will be made pursuant to compliance agreements for which there is no charge.

6. Minimizing adverse impact.

The Department has designed the proposed rule to minimize adverse economic impact on small businesses and local governments. This is done by limiting the new quarantine area to the two square miles where the ALB and infested trees have been detected; and by limiting the inspection and permit requirements to only those necessary to detect the presence of the ALB and prevent its movement in host materials from the quarantine area. As set forth in the regulatory impact statement, the proposed rule provides for agreements between the Department and regulated parties that permit the shipment of regulated articles without state or federal inspection. These agreements, for which there is no charge, are another way in which the proposed rule was designed to minimize adverse impact. The approaches for minimizing adverse economic impact required by section 202-a(1) of the State Administrative Procedure Act (SAPA) and suggested by section 202-b(1) of SAPA were considered. Given all of the facts and circumstances, it is submitted that the proposed rule minimizes adverse economic impact as much as is currently possible.

7. Small business and local government participation.

The inspectors are informing the businesses they regulate about the proposed expansion and we had a booth set up at the Nassau-Suffolk Landscape Gardeners conference on March 9, 2016. We used that opportunity to discuss the expansion with the estimated 500-750 landscapers/arborists who attended this event.

Rural Area Flexibility Analysis

The proposed rule will not impose any adverse impact or reporting, recordkeeping and other compliance requirements on public or private entities in rural areas. This finding is based upon the fact that the quarantine areas to which the amendments apply are not situated in "rural areas," as defined in section 481(7) of the Executive Law.

Job Impact Statement

The proposed rule will not have a substantial adverse impact on jobs and employment opportunities. The extension of the existing quarantine area two square miles in central Long Island is designed to prevent the further spread of ALB to other parts of the State. A spread of the infestation would have very adverse economic consequences to the nursery, forestry, fruit and maple product industries of the State, both from the destruction of the regulated articles upon which these industries depend, and from the more restrictive quarantines that could be imposed by the federal government, other states and foreign countries. By helping to prevent the spread of the ALB, the proposed rule will help to prevent such adverse economic consequences and in so doing, protect the jobs and employment opportunities associated with the State's nursery, forestry, fruit and maple product industries.

The changes to the list of regulated articles consist of a correction to the spelling of "albizia;" removal of an article (hackberry); and the addition of an article (goldenrain tree). We do not anticipate any adverse impact on jobs since one article is being removed. Forest related activities in New York State provide employment for approximately 70,000 people. The forest-based economy generates payrolls of more than \$2 billion.

As set forth in the regulatory impact statement, the cost of the proposed rule to regulated parties is relatively small and as such, the proposed rule should not have a substantial adverse impact on jobs and employment opportunities.

Office of Alcoholism and Substance Abuse Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Repeal of Obsolete Rules: General Provisions; HIV-AIDS; Inpatient Programs; Funding for Services; Hearings; Authorizing MDs

I.D. No. ASA-34-16-00001-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 Parts 309, 369, 829, 1000, 1034, 1050, 1070 and 1072 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 19.07(e), 19.09(b), 32.01 and 32.07(a)

Subject: Repeal of obsolete rules: General provisions; HIV-AIDS; Inpatient programs; Funding for services; Hearings; Authorizing MDs.

Purpose: To repeal obsolete rules of DSAS/DAAA and the Office.

Text of proposed rule: The following Parts of 14 NYCRR are REPEALED:

- 309 (Responsibilities of Facilities for Alcoholism in Regard to AIDS, HIV Illness and HIV-Related Information)
- 369 (Appeals and Hearings)
- 1000 (General)
- 1034 (Requirements for the Operation of Inpatient Substance Abuse Treatment and Rehabilitation Programs)
- 1050 (Funding for Substance Abuse Services)
- 1070 (Services for Persons with HIV Related Conditions)
- 1072 (HIV Testing and HIV related Information)
- 829 (Authorization for Physicians to use Controlled Substances for Treatment of Chemical Dependence)

Text of proposed rule and any required statements and analyses may be obtained from: Sara Osborne, Associate Attorney, NYS OASAS, 1450 Western Ave., Albany, NY 12204, (518) 485-2312, email: Sara.Osborne@oasas.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.

Consensus Rule Making Determination

14 NYCRR Parts 309 and 369 were promulgated by the Division of Alcoholism and Alcohol Abuse (DAAA); Parts 1000, 1034, 1050, 1070 and 1072 were promulgated by the Division of Substance Abuse Services (DSAS). The two divisions were consolidated into the Office of Alcoholism and Substance Abuse Services (OASAS). OASAS has since consolidated most regulations from the previous Divisions and promulgated new regulations under the Part 800 series of Title 14. Mental Hygiene Law § 32.05(b) was amended in 2007 making the provisions of Part 829 unnecessary and irrelevant.

This rule making is filed as a Consensus rule because its purpose is to repeal obsolete regulations to which no person is likely to object. This proposal has been circulated within the provider community and received no objections. The Behavioral Health Services Advisory Council approved on May 24, 2016. These repeals continue the process of consolidation. As follows, these rules have been substantially incorporated into the Part 800 series or, due to statutory changes, have become obsolete and may be repealed:

309 (Responsibilities of Facilities for Alcoholism in Regard to AIDS, HIV Illness and HIV-Related Information): Covered by Article 24 of the public health law; substantively incorporated into requirements for all treatment modalities; required by the federal block grant. No need for additional regulation.

369 (Appeals and Hearings): Incorporated into current Part 831.

1000 (General): Incorporated into current Part 800.

1034 (Requirements for the Operation of Inpatient Substance Abuse Treatment and Rehabilitation programs). Incorporated into current Parts 817, 818, 819 and 816 and 820.

1050 (Funding for Substance Abuse Services): Covered by Article 25 of the Mental Hygiene law, state finance law, OASAS administrative and fiscal guidelines. No need for additional regulation.

1070 (Services for Persons with HIV Related Conditions): See Part 309.

1072 (HIV Testing and HIV related Information): See Part 309 and Part 1070.

829 (Authorization for Physicians to use Controlled Substances for Treatment of Chemical Dependence): This requirement is no longer required by statute. Section 32.05(b) was amended by Chapter 204 of the Laws of 2007 making the provisions of Part 829 unnecessary and irrelevant.

Job Impact Statement

OASAS is not submitting a Job Impact Statement for this amendment because OASAS does not anticipate a substantial adverse impact on jobs and employment opportunities. The proposed rulemaking repeals obsolete rules of the Office and OASAS predecessor Divisions (DAAA and DSAS) provisions of which have either been made unnecessary by changes in statute or have been incorporated into existing rules of the Office.

Department of Health

REVISED RULE MAKING NO HEARING(S) SCHEDULED

Specialized Programs for Residents with Neurodegenerative Diseases

I.D. No. HLT-24-16-00003-RP

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

Proposed Action: Addition of section 415.41 to Title 10 NYCRR.

Statutory authority: Public Health Law, section 2803(2)

Subject: Specialized Programs for Residents with Neurodegenerative Diseases.

Purpose: To establish nursing home specialty units for residents with Huntington's Disease (HD) and Amyotrophic Lateral Sclerosis (ALS).

Substance of revised rule: A new section for Part 415 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York is proposed, to be designated as section 415.41 and entitled "Specialized Programs for Residents with Neurodegenerative Diseases".

(a) General. For purposes of the proposed regulation, "Neurodegenerative Disease" shall mean Huntington's disease or Amyotrophic Lateral Sclerosis. "Specialized program" means a discrete unit within a nursing home that offers services and facilities for individuals with Neurodegenerative Diseases, with the goal of helping them attain or maintain the highest practicable level of physical, affective, behavioral and cognitive functioning. The program must be located in a nursing unit which is specifically designated for this purpose and physically separate from other facility units.

The proposed regulation also provides that the facility shall make information and data available to assist the Department of Health (department) in evaluating the effectiveness of specialty units and their impact on outcomes for individuals with Neurodegenerative Diseases.

(b) Admission. The proposed regulation requires nursing homes to develop written admission criteria for specialty units for individuals with Neurodegenerative Diseases. At a minimum, the resident's medical record must document that the resident has a Neurodegenerative Disease diagnosis, cannot appropriately be served and is not safe in a less restrictive setting, and can benefit from the care and services available in a specialty unit. The proposed regulation also provides that a facility shall evaluate the effects of its admission criteria on its success in achieving its goals and objectives for the specialty unit and requires the facility to report its findings to the department annually thereafter.

(c) Assessment and Care Planning. The proposed regulation requires a home evaluation with the future resident and his or her family, as appropriate, prior to admission to discuss care needs. The proposed regulation also requires development of a care plan for each resident, which shall include a discharge plan, by an interdisciplinary resident care team. The care plan must be reviewed and modified at least once a month for the first three months following admission and then quarterly or upon a significant change in the resident's condition thereafter.

(d) Discharge. The proposed regulation requires that a proposed discharge plan must be developed within 30 days of admission for each resident as part of the overall care plan and shall include input from all professionals caring for the resident, the resident and his or her family, as appropriate, and any outside agency or resource anticipated to be involved with the resident following discharge. The resident must be discharged to

a less restrictive setting when he or she no longer meets one or more of the admission criteria for the unit. Additionally, the proposed regulation provides that a facility shall evaluate the effects of its discharge criteria on its success in achieving the goals and objectives for the specialty unit and requires the facility to report its findings to the department annually thereafter.

Nursing homes with specialty units shall have a written agreement with a general hospital or hospitals providing for the transfer of residents in need of emergency or acute inpatient care services. Such hospital(s) shall have expertise in caring for individuals with Neurodegenerative Diseases, except in cases where a general hospital with such expertise is not available within a distance and time considered reasonable by accepted emergency medical standards. In the event of a transfer to any general hospital, the facility must require a member of the specialty unit's staff to accompany the resident, if feasible, and must communicate with the hospital and provide any relevant information about the resident at the time of transfer. The resident shall be given priority readmission status to the unit as warranted by his or her condition.

(e) Program/Unit Staffing Requirements. The facility must maintain consistent assignment of direct care staff to residents in the specialty unit. In addition, the proposed regulation requires that a specialty unit shall be managed by a program coordinator and that a physician must be responsible for medical direction of the unit. The proposed regulation also identifies other specific categories of personnel who must be assigned or available to the specialty unit, including a psychiatrist, a clinical psychologist or licensed clinical social worker, at least one registered professional nurse on each shift, a respiratory therapist, and a therapeutic recreation specialist.

Revised rule compared with proposed rule: Substantial revisions were made in section 415.41(e)(9).

Text of revised proposed 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

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

Public comment will be received until: 30 days after publication of this notice.

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

Changes made to the last published rule do not necessitate revision to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Assessment of Public Comment

The Department received one comment during the public comment period.

Comment:

Sitirin Medical Rehabilitation Center, located in New Hartford, New York, expressed concern about the ability to secure Registered Nurses in their geographical area. They suggested that the staffing requirement for RNs should be to have an RN in the building where the Neurodegenerative Disease unit is located who will be readily available to the unit.

Response:

The Department believes that this is a valid concern, and the regulatory language in section 415.41(e)(9) has been revised accordingly.

Department of Motor Vehicles

NOTICE OF ADOPTION

Points for Railroad Crossing Violations

I.D. No. MTV-25-16-00003-A

Filing No. 767

Filing Date: 2016-08-09

Effective Date: 2016-08-24

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

Action taken: Amendment of section 131.3 of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a) and 510(3)(i)

Subject: Points for railroad crossing violations.

Purpose: Increases the points for railroad crossing violations from 3 to 5 points.

Text or summary was published in the June 22, 2016 issue of the Register, I.D. No. MTV-25-16-00003-P.

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

Text of rule and any required statements and analyses may be obtained from: Heidi Bazicki, DMV, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: heidi.bazicki@dmv.ny.gov

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

Public Service Commission

NOTICE OF ADOPTION

Collection of Additional Funding Through the SBC

I.D. No. PSC-07-16-00021-A

Filing Date: 2016-08-03

Effective Date: 2016-08-03

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

Action taken: On 8/1/16, the PSC adopted an order approving New York State Electric and Gas Corporation's (NYSEG) petition to collect an additional \$1,651,000 over a 28-month period beginning September 1, 2016 through the System Benefits Charge (SBC).

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

Subject: Collection of additional funding through the SBC.

Purpose: To approve NYSEG's petition to collect additional funding through the SBC.

Substance of final rule: The Commission, on August 1, 2016, adopted an order approving New York State Electric and Gas Corporation's petition to collect an additional \$1,651,000 over a 28-month period beginning September 1, 2016 through the System Benefits Charge for its Energy Efficiency Portfolio Standard programs, 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: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@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.

(07-M-0548SA82)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Revisions to the General Information Section III.8(W) - AMR/AMI Meter Opt-Out

I.D. No. PSC-34-16-00004-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 a proposal by Consolidated Edison Company of New York, Inc. to revise the General Information Section III.8(W) — AMR/AMI Meter Opt-out contained in its schedule for gas service, P.S.C. No. 9—Gas.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Proposed revisions to the General Information Section III.8(W) - AMR/AMI Meter Opt-out.

Purpose: To consider revisions to AMR/AMI meter opt-out and manual meter reading charge provisions.

Substance of proposed rule: The Public Service Commission is considering modifications proposed by Consolidated Edison Company of New York, Inc. (Con Edison or Company) to General Information Section III.8(W) – AMR/AMI Meter Opt-out contained in its gas tariff schedule, P.S.C. No. 9 – Gas. On July 29, 2016, Con Edison proposed changes to its Automated Meter Reading (AMR) and Advanced Metering Infrastructure (AMI) meter opt-out provision to extend the availability of AMR/AMI meter opt-out to all residential customers. Currently, the tariff provision is only applicable to residential customers in one to four family homes. The Company also proposes tariff changes to: (1) clarify that the monthly charge per account, at half the charge specified in General Information Section IV.3.(b) (Special Meter Reading Fees), is applicable to either a gas or a combined electric and gas account; (2) revise tariff language to indicate that a customer who opts out of AMR/AMI metering may elect to participate in AMI metering in the future; (3) indicate that customers will be subject to the manual meter reading charge if they refuse installation of an AMR/AMI meter without completing an opt-out form; (4) clarify that the exemption of the meter change-out fee applies to the initial installation of the AMI/AMR meter when the Company did not notify the customer in writing at least 30 days in advance of the AMR/AMI installation; and (5) revise language to indicate the meter opt-out form will be available electronically. The proposed amendments have an effective date of November 28, 2016. 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) 486-2655, 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.

(13-G-0031SP5)

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

Community Choice Aggregation (CCA) Data Services

I.D. No. PSC-34-16-00005-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 proposal filed by New York State Electric & Gas Corporation to make various changes in the charges, rules and regulations contained in P.S.C. No. 120 — Electricity and P.S.C. No. 88—Gas.

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

Subject: Community Choice Aggregation (CCA) Data Services.

Purpose: To consider the implementation of fees for CCA Data Services requested by CCA Administrators.

Substance of proposed rule: The Public Service Commission is considering a proposal filed by New York State Electric & Gas Corporation (NYSEG) to revise its electric and gas tariff schedules, P.S.C. No. 120 – Electricity and P.S.C. No. 88 – Gas. NYSEG proposes to implement provisions and tariff fees for Community Choice Aggregation (CCA) Data Services as requested by CCA Administrators pursuant to Commission Order issued April 21, 2016 in Case 14-M-0224. The proposed amendments have an effective date of December 1, 2016. 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) 486-2655, 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.

(14-M-0224SP9)

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

Community Choice Aggregation (CCA) Data Services

I.D. No. PSC-34-16-00006-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 proposal filed by National Fuel Gas Distribution Corporation to make various changes in the charges, rules and regulations contained in P.S.C. No. 8—Gas.

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

Subject: Community Choice Aggregation (CCA) Data Services.

Purpose: To consider the implementation of fees for CCA Data Services requested by CCA Administrators.

Substance of proposed rule: The Public Service Commission is considering a proposal filed by National Fuel Gas Distribution Corporation (National Fuel) to revise its gas tariff schedule, P.S.C. No. No. 8 – Gas. National Fuel proposes to implement provisions and tariff fees for Community Choice Aggregation (CCA) Data Services as requested by CCA Administrators pursuant to Commission Order issued April 21, 2016 in Case 14-M-0224. The proposed amendment has an effective date of December 1, 2016. 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) 486-2655, 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.

(14-M-0224SP8)

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

Proposed Revisions to the General Rule 6.10—AMR/AMI Meter Opt-Out

I.D. No. PSC-34-16-00007-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 Consolidated Edison Company of New York, Inc. to revise General Rule 6.10—AMR/AMI Meter Opt-out contained in its schedule for electric service, P.S.C. No. 10—Electricity.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Proposed revisions to the General Rule 6.10—AMR/AMI Meter Opt-out.

Purpose: To consider revisions to AMR/AMI meter opt-out and manual meter reading charge provisions.

Substance of proposed rule: The Public Service Commission is considering modifications proposed by Consolidated Edison Company of New York, Inc. (Con Edison or Company) to General Rule 6.10 – AMR/AMI

Meter Opt-out contained in its electric tariff schedule, P.S.C. No. 10 – Electricity. On July 29, 2016, Con Edison proposed changes to its Automated Meter Reading (AMR) and Advanced Metering Infrastructure (AMI) meter opt-out provision to extend the availability of AMR/AMI meter opt-out to all residential customers. Currently, the tariff provision is only applicable to residential customers in one to four family homes. The Company also proposes tariff changes to: (1) clarify that the monthly charge per account, at half the charge specified in General Rule 17.1.f (Special Services at Stipulated Rates), is applicable to either an electric or a combined electric and gas account; (2) revise tariff language to indicate that a customer who opts out of AMR/AMI metering may elect to participate in AMI metering in the future; (3) indicate that customers will be subject to the manual meter reading charge if they refuse installation of an AMR/AMI meter without completing an opt-out form; (4) clarify that the exemption of the meter change-out fee applies to the initial installation of the AMI/AMR meter when the Company did not notify the customer in writing at least 30 days in advance of the AMR/AMI installation; and (5) revise language to indicate the meter opt-out form will be available electronically. The proposed amendments have an effective date of November 28, 2016. 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) 486-2655, 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.

(13-E-0030SP12)

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

Community Choice Aggregation (CCA) Data Services

I.D. No. PSC-34-16-00008-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 proposal filed by Orange and Rockland Utilities, Inc. to make various changes in the charges, rules and regulations contained in P.S.C. No. 3—Electricity and P.S.C. No. 4—Gas.

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

Subject: Community Choice Aggregation (CCA) Data Services.

Purpose: To consider the implementation of fees for CCA Data Services requested by CCA Administrators.

Substance of proposed rule: The Public Service Commission is considering a proposal filed by Orange and Rockland Utilities, Inc. (O&R) to revise its electric and gas tariff schedules, P.S.C. No. 3 – Electricity and P.S.C. No. 4 – Gas. O&R proposes to implement provisions and tariff fees for Community Choice Aggregation (CCA) Data Services as requested by CCA Administrators pursuant to Commission Order issued April 21, 2016 in Case 14-M-0224. The proposed amendments have an effective date of November 28, 2016. 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) 486-2655, 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.

(14-M-0224SP11)

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

Community Choice Aggregation (CCA) Data Services

I.D. No. PSC-34-16-00009-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 a proposal filed by Rochester Gas and Electric Corporation to make various changes in the charges, rules and regulations contained in P.S.C. No. 19—Electricity and P.S.C. No. 16—Gas.

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

Subject: Community Choice Aggregation (CCA) Data Services.

Purpose: To consider the implementation of fees for CCA Data Services requested by CCA Administrators.

Substance of proposed rule: The Public Service Commission is considering a proposal filed by Rochester Gas and Electric Corporation (RG&E) to revise its electric and gas tariff schedules, P.S.C. No. 19 – Electricity and P.S.C. No. 16 – Gas. RG&E proposes to implement provisions and tariff fees for Community Choice Aggregation (CCA) Data Services as requested by CCA Administrators pursuant to Commission Order issued April 21, 2016 in Case 14-M-0224. The proposed amendments have an effective date of December 1, 2016. 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) 486-2655, 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.

(14-M-0224SP12)

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

Community Choice Aggregation (CCA) Data Services

I.D. No. PSC-34-16-00010-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 filed by KeySpan Gas East d/b/a/ Brooklyn Union of L.I. to make various changes in the charges, rules and regulations contained in P.S.C. No. 1—Gas.

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

Subject: Community Choice Aggregation (CCA) Data Services.

Purpose: To consider the implementation of fees for CCA Data Services requested by CCA Administrators.

Substance of proposed rule: The Public Service Commission is considering a proposal filed by KeySpan Gas East d/b/a Brooklyn Union of L.I. (KEDLI) to revise its gas tariff schedule, P.S.C. No. No. 1 – Gas. KEDLI proposes to implement provisions and tariff fees for Community Choice Aggregation (CCA) Data Services as requested by CCA Administrators

pursuant to Commission Order issued April 21, 2016 in Case 14-M-0224. The proposed amendments have an effective date of December 1, 2016. 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) 486-2655, 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.

(14-M-0224SP7)

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

Community Choice Aggregation (CCA) Data Services

I.D. No. PSC-34-16-00011-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 a proposal filed by Niagara Mohawk Power Corporation d/b/a National Grid to make various changes in the charges, rules and regulations contained in P.S.C. No. 220 — Electricity and P.S.C. No. 219 — Gas.

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

Subject: Community Choice Aggregation (CCA) Data Services.

Purpose: To consider the implementation of fees for CCA Data Services requested by CCA Administrators.

Substance of proposed rule: The Public Service Commission is considering a proposal filed by Niagara Mohawk Power Corporation d/b/a National Grid (Niagara Mohawk) to revise its electric and gas tariff schedules, P.S.C. No. 220 – Electricity and P.S.C. No. 219 – Gas. Niagara Mohawk proposes to implement provisions and tariff fees for Community Choice Aggregation (CCA) Data Services as requested by CCA Administrators pursuant to Commission Order issued April 21, 2016 in Case 14-M-0224. The proposed amendments have an effective date of December 1, 2016. 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) 486-2655, 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.

(14-M-0224SP10)

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

Community Choice Aggregation (CCA) Data Services

I.D. No. PSC-34-16-00012-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 proposal filed by Consolidated Edison Company of New York, Inc. to make various changes in the charges, rules and regulations contained in P.S.C. No. 10 — Electricity and P.S.C. No. 9 — Gas.

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

Subject: Community Choice Aggregation (CCA) Data Services.

Purpose: To consider the implementation of fees for CCA Data Services requested by CCA Administrators.

Substance of proposed rule: The Public Service Commission is considering a proposal filed by Consolidated Edison Company of New York, Inc. (Con Edison) to revise its electric and gas tariff schedules, P.S.C. No. 10 – Electricity and P.S.C. No. 9 – Gas. Con Edison proposes to implement provisions and tariff fees for Community Choice Aggregation (CCA) Data Services as requested by CCA Administrators pursuant to Commission Order issued April 21, 2016 in Case 14-M-0224. The proposed amendments have an effective date of November 28, 2016. 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) 486-2655, 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.

(14-M-0224SP6)

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

Community Choice Aggregation (CCA) Data Services

I.D. No. PSC-34-16-00013-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 filed by Central Hudson Gas & Electric Corporation to make various changes in the charges, rules and regulations contained in P.S.C. No. 15 — Electricity and P.S.C. No. 12 — Gas.

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

Subject: Community Choice Aggregation (CCA) Data Services.

Purpose: To consider the implementation of fees for CCA Data Services requested by CCA Administrators.

Substance of proposed rule: The Public Service Commission is considering a proposal filed by Central Hudson Gas & Electric Corporation (Central Hudson) to revise its electric and gas tariff schedules, P.S.C. No. 15 – Electricity and P.S.C. No. 12 – Gas. Central Hudson proposes to implement provisions and tariff fees for Community Choice Aggregation (CCA) Data Services as requested by CCA Administrators pursuant to Commission Order issued April 21, 2016 in Case 14-M-0224. The proposed amendments have an effective date of January 1, 2017. 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) 486-2655, 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.

(14-M-0224SP5)

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

Petition to Submeter Electricity

I.D. No. PSC-34-16-00014-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 the petition, filed by Elmo Homes, Inc., to submeter electricity at 728 41st 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: Petition to submeter electricity.

Purpose: To consider the petition of Elmo Homes, Inc. to submeter electricity at 728 41st Street, Brooklyn, New York.

Substance of proposed rule: The Commission is considering the Petition, filed by Elmo Homes, Inc. on July 19, 2016, to submeter electricity at 728 41st Street, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc. 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) 486-2655, 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.

(16-E-0403SP1)

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

Community Choice Aggregation (CCA) Data Services

I.D. No. PSC-34-16-00015-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 filed by The Brooklyn Union Gas Company d/b/a National Grid NY to make various changes in the charges, rules and regulations contained in P.S.C. No. 12 — Gas.

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

Subject: Community Choice Aggregation (CCA) Data Services.

Purpose: To consider the implementation of fees for CCA Data Services requested by CCA Administrators.

Substance of proposed rule: The Public Service Commission is considering a proposal filed by The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY) to revise its gas tariff schedule, P.S.C. No. 12 – Gas. KEDNY proposes to implement provisions and tariff fees for Community Choice Aggregation (CCA) Data Services as requested by CCA Administrators pursuant to Commission Order issued April 21, 2016 in Case 14-M-0224. The proposed amendment has an effective date of December 1, 2016. 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) 486-2655, 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.

(14-M-0224SP13)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-34-16-00016-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 the Notice of Intent, filed by Snowplow LH LLC, to submeter electricity at 252 East 57th Street, New York, 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: Notice of Intent to submeter electricity.

Purpose: To consider the Notice of Intent of Snowplow LH LLC to submeter electricity at 252 East 57th Street, New York, NY.

Substance of proposed rule: The Commission is considering the Notice of Intent, filed by Snowplow LH LLC on June 27, 2016, to submeter electricity at 252 East 57th Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. 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) 486-2655, 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.

(16-E-0385SP1)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-34-16-00017-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 the Notice of Intent, filed by 212 Fifth Avenue Venture LLC, to submeter electricity at 212 Fifth Avenue, New York, 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: Notice of Intent to submeter electricity.

Purpose: To consider the Notice of Intent of 212 Fifth Avenue Venture LLC to submeter electricity at 212 Fifth Avenue, New York, NY.

Substance of proposed rule: The Commission is considering the Notice of Intent, filed by 212 Fifth Avenue Venture LLC on July 20, 2016, to submeter electricity at 212 Fifth Avenue, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. 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) 486-2655, 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.

(16-E-0404SP1)

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

Standby Service

I.D. No. PSC-34-16-00018-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 filed by Central Hudson Gas & Electric Corporation to implement a standby reliability credit and an offset tariff provision in its electric tariff schedule, P.S.C. No. 15.

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

Subject: Standby Service.

Purpose: To consider the implementation of a standby reliability credit and an offset tariff provision.

Substance of proposed rule: The Public Service Commission is considering a proposal filed by Central Hudson Gas & Electric Corporation (Central Hudson) to revise Service Classification No. 14 – Standby Service in its electric tariff schedule, P.S.C. No. 15 – Electricity. Central Hudson proposes to implement a standby reliability credit and an offset tariff provision pursuant to Commission Order issued May 19, 2016 in Case 14-M-0101. The proposed amendments have an effective date of January 1, 2017. 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) 486-2655, 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.

(16-M-0430SP1)

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

Standby Service

I.D. No. PSC-34-16-00019-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 filed by New York State Electric & Gas Corporation to implement a standby reliability credit and an offset tariff provision in its electric tariff schedule, P.S.C. No. 120.

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

Subject: Standby Service.

Purpose: To consider the implementation of a standby reliability credit and an offset tariff provision.

Substance of proposed rule: The Public Service Commission is considering a proposal filed by New York State Electric & Gas Corporation (NYSEG) to revise Service Classification No. 11 – Standby Service in its electric tariff schedule, P.S.C. No. 120 – Electricity. NYSEG proposes to implement a standby reliability credit and an offset tariff provision pursuant to Commission Order issued May 19, 2016 in Case 14-M-0101. The proposed amendments have an effective date of December 1, 2016. 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) 486-2655, 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.

(16-M-0430SP2)

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

Standby Service

I.D. No. PSC-34-16-00020-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 filed by Niagara Mohawk Power Corporation d/b/a National Grid to implement a standby reliability credit and an offset tariff provision in its electric tariff schedule, P.S.C. No. 220.

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

Subject: Standby Service.

Purpose: To consider the implementation of a standby reliability credit and an offset tariff provision.

Substance of proposed rule: The Public Service Commission is considering a proposal filed by Niagara Mohawk Power Corporation d/b/a National Grid (NMPC) to revise Service Classification No. 7 – Standby Service in its electric tariff schedule, P.S.C. No. 220 – Electricity. NMPC proposes to implement a standby reliability credit and an offset tariff provision pursuant to Commission Order issued May 19, 2016 in Case 14-M-0101. The proposed amendments have an effective date of December 1, 2016. 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) 486-2655, 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.

(16-M-0430SP3)

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

Standby Service

I.D. No. PSC-34-16-00021-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 filed by Rochester Gas and Electric Corporation to implement a standby reliability credit and an offset tariff provision in its electric tariff schedule, P.S.C. No. 19.

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

Subject: Standby Service.

Purpose: To consider the implementation of a standby reliability credit and an offset tariff provision.

Substance of proposed rule: The Public Service Commission is considering a proposal filed by Rochester Gas and Electric Corporation (RG&E) to revise Service Classification No. 14 – Standby Service in its electric tariff schedule, P.S.C. No. 19 – Electricity. RG&E proposes to implement a standby reliability credit and an offset tariff provision pursuant to Commission Order issued May 19, 2016 in Case 14-M-0101. The proposed amendments have an effective date of December 1, 2016. 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) 486-2655, 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.

(16-M-0430SP5)

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

Standby Service

I.D. No. PSC-34-16-00022-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 filed by Orange and Rockland Utilities, Inc. to implement a standby reliability credit and an offset tariff provision in its electric tariff schedule, P.S.C. No. 3.

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

Subject: Standby Service.

Purpose: To consider the implementation of a standby reliability credit and an offset tariff provision.

Substance of proposed rule: The Public Service Commission is considering a proposal filed by Orange and Rockland Utilities, Inc. (O&R) to revise Service Classification No. 25 – Standby Service in its electric tariff schedule, P.S.C. No. 3 – Electricity. O&R proposes to implement a standby reliability credit and an offset tariff provision pursuant to Commission Order issued May 19, 2016 in Case 14-M-0101. The proposed amendments have an effective date of December 1, 2016. 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) 486-2655, 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.

(16-M-0430SP4)

**Department of Taxation and
Finance**

NOTICE OF ADOPTION

Fuel Use Tax on Motor Fuel and Diesel Motor Fuel and the Art. 13-A Carrier Tax Jointly Administered Therewith

I.D. No. TAF-23-16-00003-A

Filing No. 768

Filing Date: 2016-08-09

Effective Date: 2016-08-09

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

Action taken: Amendment of section 492.1(b)(1) of Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subd. First, 301-h(c), 509(7), 523(b) and 528(a)

Subject: Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.

Purpose: To set the sales tax component and the composite rate per gallon for the period July 1, 2016 through September 30, 2016.

Text or summary was published in the June 8, 2016 issue of the Register, I.D. No. TAF-23-16-00003-P.

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

Text of rule and any required statements and analyses may be obtained from: Kathleen D. O’Connell, Tax Regulations Specialist, Department of Taxation and Finance, Office of Counsel, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: tax.regulations@tax.ny.gov

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.

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

Fuel Use Tax on Motor Fuel and Diesel Motor Fuel and the Art. 13-A Carrier Tax Jointly Administered Therewith

I.D. No. TAF-34-16-00023-P

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

Proposed Action: Amendment of section 492.1(b)(1) of Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subd. First, 301-h(c), 509(7), 523(b) and 528(a)

Subject: Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.

Purpose: To set the sales tax component and the composite rate per gallon for the period October 1, 2016 through December 31, 2016.

Text of proposed rule: Section 1. Paragraph (1) of subdivision (b) of section 492.1 of such regulations is amended by adding a new subparagraph (lxxxiv) to read as follows:

Motor Fuel			Diesel Motor Fuel		
Sales Tax Component	Composite Rate	Aggregate Rate	Sales Tax Component	Composite Rate	Aggregate Rate
(lxxxiii) July-September 2016					
13.6	21.6	38.6	14.5	22.5	37.75
(lxxxiv) October-December 2016					
14.1	22.1	39.1	15.0	23.0	38.25

Text of proposed rule and any required statements and analyses may be obtained from: Kathleen D. O’Connell, Tax Regulations Specialist, Department of Taxation and Finance, Office of Counsel, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: tax.regulations@tax.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, 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.