

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 Environmental Conservation

NOTICE OF ADOPTION

Sportfishing and Associated Activities

I.D. No. ENV-34-15-00003-A
Filing No. 1107
Filing Date: 2015-12-22
Effective Date: 2016-01-06

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

Action taken: Amendment of sections 10.1, 10.2, 10.3 and 10.4 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 3-0301, 11-0303, 11-0305, 11-0317, 11-1301, 11-1303, 11-1316 and 11-1319

Subject: Sportfishing and associated activities.

Purpose: To revise sportfishing regulations and associated activities including the commercial collection, sale and use of baitfish.

Text of final rule: New paragraph 10.1(c)(8) is added to read as follows:

(8) *catch and release angling (i.e. catching and returning a fish to the water without causing it harm) is only permitted during the open season for a particular fish species. Measuring, weighing and photographing the fish are permitted as long as the fish is not removed from the water for an extended period or handled in a manner that could cause harm such fish may not be held on a string, or placed in a bucket, tub, livewell, or any other holding device.*

Existing clause 10.2(c)(1)(ii)(d) is amended to read as follows:

(d) Use of hooks with added weight is prohibited, except that artificial flies and jigs *weighing*[of] no more than one-eighth ounce [added weight] are permitted.

Existing paragraph 10.2(h)(2) is amended to read as follows:

(2) Table C- Fishing regulations for Lake Champlain and its tributaries.

| Species | Open Season | Minimum Length | Daily Limit |
|----------------------------------|--|----------------|--|
| (a) Trout | All year | 12" | 3 |
| Lake Trout | All year | 15" | 3 |
| Landlocked Salmon | All year | 15" | 2 |
| (b) Black Bass | Second Saturday in June through November 30 December 1 through the Friday [proceeding] <i>preceding</i> the second Saturday in June | 10" | 5 Catch and release only; artificial lures only |
| (c) Walleye[, Sauger] | First Saturday in May through March 15 | 18" | [Any]3[in combination] |
| (d) Muskeg-lunge | Last Saturday in May through November 30th | 40" | 1 |
| (e) Northern Pike | All year | 20" | 5 |
| (f) Crappie | All year | 8" | 25 |
| (g) Pickerel | All year | Any size | 10 |
| (h) Yellow perch and Sunfish | All year | Any size | Any number |
| (i) Lake Sturgeon | May not be taken or possessed at any time. | | |
| (j) All other species not listed | All year | Any size | Any number |

Existing subparagraph 10.2(h)(3)(iii) is repealed.

[(iii) Yellow perch taken from Cumberland Bay, and tributaries of Cumberland Bay to their first impassable barrier to fish, must not be sold, traded or bartered, offered for sale, or exposed for sale. Cumberland Bay is defined as that portion of Lake Champlain north and west of a line extending from Cumberland Head Light to the northern tip of Crab Island then westerly to the southerly of two piers at the oil terminal known locally as the Copeland Oil Terminal.]

Existing paragraph 10.2(k)(3) is amended to read as follows:

(3) Ice fishing is permitted for the taking of any species during its open season. [Five]Seven tip-ups[and two-hand lines] may be used.

10.3 Additional special fishing regulations for certain inland waters.

(b) Table A – Fishing regulations for specifically designated waters.

| Water | Species | Open Season | Minimum Length | Daily Limit | Method |
|--|---------|-------------|----------------|-------------|--------|
| New clause 10.3(b)(22)(a) is amended to read as follows: | | | | | |

- (a) All waters except as listed below or listed in subdivision 10.6(h) of this Part Trout April 1 through October 15 Any size 5 with no more than 2 longer than 12"

New clause 10.3(b)(25)(a) is amended to read as follows:

- (a) All waters except as listed below or listed in subdivision 10.6(i) of this Part Trout April 1 through October 15 Any size 5 with no more than 2 longer than 12"

Existing clause 10.3(b)(26)(d) is amended to read as follows:

- (d) Spring Creek on Caledonia State Fish Hatchery property as posted April 1 through October 15 8[7:30] a.m. to 4[3:30] pm

New clause 10.3(b)(33)(a) is amended to read as follows:

- (a) All waters except as listed below or listed in subdivision 10.6(j) of this Part Trout April 1 through October 15 Any size 5 with no more than 2 longer than 12"

New clause 10.3(b)(45)(a) is amended to read as follows:

- (a) All waters except as listed below or listed in subdivision 10.6(l) of this Part Trout April 1 through October 15 Any size 5 with no more than 2 longer than 12"

Existing section 10.4 is amended to read as follows:

10.4 Ice fishing and use of [ice-fishing lines]*tip-ups*.

(a) For the purposes of this Part, a[n ice-fishing line] *tip-up* means any device used for fishing through the ice, including but not limited to hand line, tip-up, tip down[s], etc.

(b) General provisions.

(1) No person shall fish through the ice in any water inhabited by trout except those waters specified in this Part.

(2) No person shall [use ice fishing lines]*fish through the ice* on the frozen waters of the State during the period from May 1st through November 14th except *by the use of hand lines*.

(3) Fish may be taken through the ice [only] in accordance with open seasons, minimum sizes and daily limits set forth in this Part.

(4) Wherever ice fishing is permitted, no more than seven [ice fishing lines]*tip-ups*[, with an ice fishing line meaning any device use for ice fishing through the ice (including but not limited to hand line, tip-up, tip down, rod and reel, etc.)] may be used except where specified in this section or other sections of this Part.

(5) No more than 15 *tip-ups*[ice fishing lines with an ice fishing line meaning any device use for ice fishing through the ice (including but not limited to hand line, tip-up, tip down, rod and reel, etc.)] may be used in Lake Champlain.

(6) No person shall operate *tip-ups* [ice fishing lines]without being in immediate attendance while the *tip-ups* [ice fishing lines]are in the water.

(7) No person shall use a[n ice-fishing line]*tip-up* that has more than five lures or baits or a combination of both.

(8) No person shall use a[n ice-fishing line] *tip-up* that has more than 15- hook points in any combination of single, double or treble hooks.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 10.1(c), 10.2(h), 10.3(b), 10.4(a) and (b).

Text of rule and any required statements and analyses may be obtained from: Shaun Keeler, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233, (518) 402-8928, email: shaun.keeler@dec.ny.gov

Additional matter required by statute: A Programmatic Impact Statement pertaining to these actions is on file with the Department of Environmental Conservation.

Revised Regulatory Impact Statement

A revised Regulatory Impact Statement is not needed, as the original Regulatory Impact Statement, as published in the Notice of Proposed Rule Making, remains valid. It does not need to be amended.

Revised Regulatory Flexibility Analysis

A revised Regulatory Flexibility Analysis for Small Businesses and Local Governments statement is not needed. The original Regulatory Flexibility Analysis for Small Businesses and Local Governments statement, as published in the Notice of Proposed Rule Making, remains valid and does not need to be amended.

Revised Rural Area Flexibility Analysis

A revised Rural Area Flexibility Analysis is not needed. The original Rural Area Flexibility Analysis Statement, as published in the Notice of Proposed Rule Making, remains valid and does not need to be amended.

Revised Job Impact Statement

A revised Job Impact Statement is not needed. The original Job Impact Statement, as published in the Notice of Proposed Rule Making, remains valid and does not need to be amended.

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 2020, which is no later than the 5th year after the year in which this rule is being adopted

Assessment of Public Comment

Comment: The definition of “catch and release” should be expanded with regards to catching and releasing trout, specifically, to include: 1) requiring the use of single, barbless, non-treble hooks; 2) prohibiting removal of the fish from the water during the months of January and February (i.e. when air temperatures are most likely to be freezing); 3) prohibiting fishing when the water temperature is 70 degrees or higher; and 4) expanding the prohibition on ‘handling in a manner that may cause harm’ to include a prohibition on holding a trout by its gill slits (i.e. “gilling”).

Response: The intention of this definition of “Catch and Release” is to provide guidance, on a broad scale, as to what is permissible (and not permissible) as far as handling sportfish caught during their open but “Catch & Release only” season. The Department believes that this definition accomplishes that so additional regulatory requirements are not necessary. The Department does consider additional gear (e.g. hook related) restrictions for specific species- specific waters-specific conditions and at specific times of the year (e.g. trout and salmon spawning in Great Lake tributaries, Lake Champlain tributaries) and will continue to consider special gear restrictions where appropriate. The Department will also continue to provide guidance to anglers on procedures that will reduce mortality of fish that are caught and released, such as those found in the Fishing Regulations Guide that is published annually by the Department and on its website. The Department believes several of the specific

measures identified for trout would not be practical or enforceable. Water temperatures can fluctuate substantially on a daily basis from spring through fall, and values above and below 70F can occur on the same day. Additionally, prohibiting removal of fish from the water in January and February is not necessary to facilitate survival; but guidelines should continue to encourage anglers to minimize the time fish are out of the water for hook removal.

Comment: If the definition of Catch and Release means that you are supposed to immediately release Black Bass during the C&R season, then I strongly oppose.

Response: The definition of Catch and Release does allow for the measuring, weighing and photographing of the fish as long as the fish is not removed for an extended period of time, and the fish is caught "in season." This applies to all species with a "catch and release only" season, including black bass.

New York State Gaming Commission

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Plan of Operation for the Jockey Injury Compensation Fund

I.D. No. SGC-01-16-00006-EP

Filing No. 1109

Filing Date: 2015-12-22

Effective Date: 2015-12-22

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

Proposed Action: Addition of Part 4046 to Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19) and 221(8)(b)

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

Specific reasons underlying the finding of necessity: The New York State Gaming Commission (the "Commission") has determined that immediate adoption of these rules is necessary for the preservation of the public health, safety or general welfare. Racing, Pari-Mutuel Wagering and Breeding Law section 221(6) requires the New York Jockey Injury Compensation Fund, Inc. ("JICF") to secure workers' compensation coverage on a blanket basis for the benefit of all jockeys, apprentice jockeys and exercise persons licensed pursuant to the Thoroughbred racing licensing provisions contained in Article II of the Racing, Pari-Mutuel Wagering and Breeding Law. In order to pay the costs of such insurance, JICF is directed, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 221(7), to ascertain the total funding necessary and establish the sums that are to be paid by all owners and trainers licensed or required to be licensed. JICF is required, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 221(8)(a), to submit, not later than November 15 of each year, an amendment to the JICF plan of operation relating to the assessment of the costs of insurance for the subsequent year. If JICF fails to submit a suitable amendments to the plan of operation, the Commission is directed, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 221(8)(b), to adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the procurement and funding of the required workers' compensation insurance.

The immediate adoption of these rules is necessary to ensure continuity of workers' compensation insurance for jockeys, apprentice jockeys and exercise persons upon expiration of the current workers' compensation insurance policy on December 31, 2015. The rules provide for the Commission to direct the acceptance of a proposed workers' compensation insurance policy and plan for the collection of money to pay for the costs of such insurance, thereby protecting the insured persons' health and safety in the event a suitable JICF plan, which was due to have been submitted on or before November 15, 2015, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 221(8)(a), is not submitted.

Subject: Plan of operation for the Jockey Injury Compensation Fund.

Purpose: To effectuate the provisions of the Jockey Injury Compensation Fund in the absence of a plan of operation for 2016.

Text of emergency/proposed rule: A new Part 4046 is added to 9 NYCRR, to read as follows:

PART 4046

Jockey Injury Compensation Fund

§ 4046.1. Definitions.

The following definitions apply to this Part:

(a) Finger Lakes means Finger Lakes Racing Association, Inc.

(b) Injury incident means an incident that results in the filing of a claim against the policy held by the JICF.

(c) JICF means The Jockey Injury Compensation Fund, Inc.

(d) NYRA means The New York Racing Association, Inc.

(e) Submission deadline means the deadline set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 221(8)(a) for JICF to submit an amendment to a plan of operation relating to the assessment of costs of insurance for the subsequent year.

(f) Subsequent-year plan means an amendment to a plan of operation relating to the assessment of costs of insurance for the subsequent year.

§ 4046.2. Civil penalty for failure to submit plan for subsequent year.

In the event that JICF has failed to submit, by the submission deadline, a subsequent-year plan, the commission may assess to JICF, as compensation for the administrative burden of performing the JICF's statutory work, a civil penalty equal to actual commission costs incurred, which amount shall not exceed the maximum set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 116.

§ 4046.3. Workers' compensation insurance carrier.

In the event that JICF has failed to submit, by the submission deadline, a subsequent-year plan, the commission shall order JICF to accept the offer of an insurance carrier to provide workers' compensation insurance, as required by section 221 of the Racing, Pari-Mutuel Wagering and Breeding Law and the Workers' Compensation Law, to JICF for the subsequent year, as selected by the commission in the commission's sole and absolute discretion, and JICF shall bind such coverage. Such policy shall remain in effect unless superseded by a plan submitted by the JICF and approved by the commission.

§ 4046.4. Premium assessment.

In the event that JICF has failed to submit, by the submission deadline, a subsequent-year plan, each thoroughbred owner and trainer shall pay as follows, unless such assessment is modified by the commission or superseded by a plan submitted by JICF and approved by the commission:

(a) Assessments.

(1) Owners. For purposes of this part, an owner is the person whose account would be debited or credited when a horse runs. In the case of multiple ownership, the owner for purposes of this part is the managing partner. Each thoroughbred owner licensed or required to be licensed pursuant to section 220 of the Racing, Pari-Mutuel Wagering and Breeding Law in such subsequent year shall pay to JICF, through the horsemen's bookkeeper at the applicable track, a percentage of purses earned, the maximum of which is set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 221(7).

(2) Trainers. Each thoroughbred trainer licensed or required to be licensed pursuant to section 220 of the Racing, Pari-Mutuel Wagering and Breeding Law in such subsequent year shall pay to JICF, through the horsemen's bookkeeper at the applicable track:

(i) an amount the commission determines per-stall, per-day for each stall allotted and accepted, which amount may vary for stalls used at Finger Lakes and NYRA. A per-stall charge is not rent for a stall; and

(ii) an amount the commission determines per injury incident for a worker performing services for such trainer or the owner of the horse being trained by such trainer.

(3) Owners/Trainers. A person licensed as both an owner and trainer shall pay both the owner charge as set forth in paragraph (1) of this subdivision and the trainer charge as set forth in paragraph (2) of this subdivision.

(4) Private Trainers. A private trainer, from whose payroll exercise riders are compensated, shall be responsible for the owner assessment set forth in paragraph (1) of this subdivision as well as the stall charge set forth in paragraph (2) of this subdivision.

(5) Shippers. Those horsemen stabling horses off the grounds of the track who have daily access to and use of the track facilities shall pay the stall assessments set forth in paragraph (2) of this subdivision as if the equivalent number of stalls at the track had been used.

(b) Premium charges due.

(1) Stall charges shall be due on the last day of each month.

(2) JICF shall provide horsemen with track addresses to which horsemen shall be required to send their payments required by this part.

§ 4046.5. Plan of operation remains in effect.

In the event that a subsequent-year plan is put into effect by this Part, all other elements other than assessment of the most recently approved JICF plan of operation, including those described in Racing, Pari-Mutuel Wagering and Breeding Law section 221(8)(c), remain in effect.

§ 4046.6. Risk Management.

JICF shall engage, on or before March 1, 2016, a risk management consultant acceptable to the commission, at the sole cost and expense of JICF. Such consultant shall review past and current claims and losses and make recommendations to JICF and the commission, on or before September 30, 2016, for JICF risk management practices and controls.

§ 4046.7. Notice.

JICF shall publish this Part in one or more trade publications likely to be obtained by owners and trainers, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 221(8)(a), at the sole cost and expense of JICF, as soon as practicable.

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 March 20, 2016.

Text of rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3408, email: gamingrules@gaming.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:** Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") section 104(19) grants authority to the Gaming Commission ("Commission") to promulgate rules and regulations that it deems necessary to carry out its responsibilities. Racing Law section 221(8)(b) grants rule making authority to the Commission to adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of Article II of the Racing, Pari-Mutuel Wagering and Breeding Law concerning a plan of operation for the New York jockey Injury Compensation Fund, Inc. ("JICF").

2. **LEGISLATIVE OBJECTIVES:** This emergency rule making carries out the legislative objectives and implements the requirements of Racing, Pari-Mutuel Wagering and Breeding Law section 221(8).

3. **NEEDS AND BENEFITS:** This rule making is necessary to establish a default plan in the event that JICF fails to submit a suitable amendment to its plan of operation to accept an offer of workers' compensation insurance coverage and provide for the collection of money to pay for the costs of such insurance, thereby enabling workers' compensation insurance coverage for jockeys, apprentice jockeys and exercise persons to continue uninterrupted.

4. **COSTS:**

(a) Costs to the regulated parties for the implementation of and continuing compliance with the rule: Thoroughbred owners and trainers will bear the costs of maintaining statutorily-required workers' compensation insurance of jockeys, apprentice jockeys and exercise riders, as they would if JICF submits a suitable amendment to its plan of operation to secure such insurance coverage and provide for the payment of money to cover the costs of such insurance.

(b) Costs to the regulating agency, the State, and local government: The rule provides for a civil penalty to JICF to compensate the Commission for the costs of developing a workers' compensation insurance plan, should the Commission need to do so in the absence of a JICF-submitted suitable plan. The rules will not impose any additional costs on local government.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: The cost estimates are based on the Commission's experience regulating racing and gaming activities within the State.

5. **PAPERWORK:** The rules are not expected to impose any significant paperwork requirements for regulated parties beyond those already present when JICF submits a suitable amendment to its plan of operation to provide for workers' compensation insurance.

6. **LOCAL GOVERNMENT:** The rules do not impose any mandatory program, service, duty, or responsibility upon local government because ensuring the provision of worker's compensation insurance to jockeys, apprentice jockeys and exercise persons is strictly a matter of State law.

7. **DUPLICATION:** The rules do not duplicate, overlap or conflict with any existing State or federal requirements.

8. **ALTERNATIVES:** The Commission is required to create these rules pursuant to Racing Law section 221(8)(b). Therefore, no alternatives were considered.

9. **FEDERAL STANDARDS:** There are no federal standards applicable

to the provision of workers' compensation insurance to jockeys, apprentice jockeys and exercise persons, because the provision of such insurance is solely in accordance with New York State law.

10. **COMPLIANCE SCHEDULE:** The Commission anticipates that affected parties will be able to achieve compliance with the rules on January 1, 2016, which is when the next worker's compensation insurance policy covering jockeys, apprentice jockeys and exercise persons will take effect.

Regulatory Flexibility Analysis

1. **EFFECT OF THE RULE:** The rules will provide for continuity of workers' compensation insurance for thoroughbred racing jockeys, apprentice jockeys and exercise persons. Such insurance is required by law. Many trainers or thoroughbred racing stables are small businesses.

2. **COMPLIANCE REQUIREMENTS:** All Thoroughbred racing owners and trainers are required to pay the costs of workers' compensation insurance for jockeys, apprentice jockeys and exercise persons required by law, either through a Commission-imposed plan pursuant to these rules or through an approved plan submitted by JICF.

3. **PROFESSIONAL SERVICES:** The rules will not require small businesses or local governments to obtain professional services.

4. **COMPLIANCE COSTS:** The rules will require not impose any compliance costs on small businesses dissimilar from those that would be imposed through an approved plan submitted by JICF. The rules will not impose any compliance costs on local governments.

5. **ECONOMIC AND TECHNOLOGICAL FEASIBILITY:** The rules will not impose any technological requirements on small businesses or local governments.

6. **MINIMIZING ADVERSE IMPACT:** The rules will not have an adverse economic impact on small businesses or local governments. Workers' compensation insurance for thoroughbred jockeys, apprentice jockeys and exercise persons must be provided, whether through a plan imposed by these rules or through an approved plan submitted by JICF.

7. **SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION:** The rules went into effect upon filing. Small businesses will have the opportunity to participate in the rule making process during the public comment period that will open upon publication of these rules as proposed rules.

Rural Area Flexibility Analysis

The rules apply to Finger Lakes racetrack, which is located in Ontario County, a "rural area" as that term is defined in Executive Law section 481(7). A rural flexibility analysis is not attached because the rules do not impose any adverse impact or reporting, recordkeeping, or other compliance requirements on public or private entities in rural areas.

Job Impact Statement

The Commission has no reason to believe that these rules will have any adverse impact on any jobs or employment opportunities. The rules ensure the continuity of statutorily-required workers' compensation insurance for jockeys, apprentice jockeys and exercise persons. Therefore, the rules will not impact jobs and employment and a full Job Impact Statement is not necessary.

NOTICE OF ADOPTION

Reporting Requirements for a Race Horse That Has Been Castrated and Is Classified As a Gelding

I.D. No. SGC-44-15-00019-A

Filing No. 1108

Filing Date: 2015-12-22

Effective Date: 2016-01-06

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

Action taken: Addition of sections 4007.7 and 4106.10; and amendment of sections 4105.13 and 4106.1 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1), (19) and 301

Subject: Reporting requirements for a race horse that has been castrated and is classified as a gelding.

Purpose: To ensure that the betting public is properly informed that a race horse that was previously an intact male has been castrated.

Text or summary was published in the November 4, 2015 issue of the Register, I.D. No. SGC-44-15-00019-P.

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

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301, (518) 388-3407, email: gamingrules@gaming.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 2020, which is no later than the 5th year after the year in which this rule is being adopted

Assessment of Public Comment

The Commission received written comments in support of the amendment from Batavia Downs Gaming, a harness racetrack owned by the Western Regional Off-Track Betting Corporation. The letter dated October 20, 2015 stated: "Batavia Downs is strongly in favor of this proposal. We feel it is in the best interest of our patrons that the timely notification of the surgical alteration to a racehorse be made public."

Office of Mental Health

NOTICE OF ADOPTION

Visitation and Inspection of Facilities

I.D. No. OMH-40-15-00010-A

Filing No. 1106

Filing Date: 2015-12-22

Effective Date: 2016-01-06

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

Action taken: Amendment of Part 553 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 7.09, 7.15, 7.17, 31.02, 31.04, 31.05, 31.07, 31.09, 31.11, 31.13 and 31.19

Subject: Visitation and Inspection of Facilities.

Purpose: Provide clarification of the term, "facilities under the jurisdiction of the Office of Mental Health," for purposes of Part 553.

Text or summary was published in the October 7, 2015 issue of the Register, I.D. No. OMH-40-15-00010-P.

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

Text of rule and any required statements and analyses may be obtained from: Sue Watson, NYS Office of Mental Health, 44 Holland Avenue, Albany, NY 12229, (518) 474-1331, email: regs@omh.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 2020, 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.

Niagara Falls Water Board

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Adoption of Rates, Fees and Charges

I.D. No. NFW-01-16-00001-EP

Filing No. 1105

Filing Date: 2015-12-21

Effective Date: 2015-12-21

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

Proposed Action: Amendment of section 1950.20 of Title 21 NYCRR.

Statutory authority: Public Authority Law, section 1230-j

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

Specific reasons underlying the finding of necessity: This amendment is adopted as an emergency measure because time is of the essence.

I determined that it is necessary for the preservation of the public health, safety and general welfare and that compliance with the requirements of subdivision one section 202 would be contrary to the public interest. The Board regulations include a schedule of rates, fees and charges imposed upon all persons served by the System. The Board recently considered estimates for its expenses and revenues for fiscal year 2016 commencing on January 1, 2016 and ending on December 31, 2016. As part of this consideration, the Board recognized an increase in expenses of operations and a projection of revenues from its existing rate payers in the City of Niagara Falls and related service area. In addition, the Board considered its debt service and its covenants with its bondholders with respect to bonds that were issued as of the acquisition date. In order to maintain the Board on a sound financial status with sufficient resources to provide necessary water and wastewater services to all persons who sue the System, the Board adopted an increase in the schedule of rates, fees and charges.

Subject: Adoption of Rates, Fees and Charges.

Purpose: To pay for increased costs necessary to operate, maintain and manage the system, and to achieve covenants with the bondholders.

Text of emergency/proposed rule: Section 1950.20. Schedule of rates, fees and charges.

(a) This schedule sets forth the rates, fees and other charges applicable to the provision of water supply, wastewater and related services by the Niagara Falls Water Board to all property owners, users and other persons as of January 1, 2016. All property owners, users and other persons who receive services from the water board shall pay to the water board the rates, fees and charges set forth in this schedule.

(b) the following rates shall be charged and collected for the use of water within the city, supplied by the water board as hereby fixed and established:

First 20,000 cu. ft. per quarter, [\$3.13] \$3.27 per 100 cu. ft.

Next succeeding 60,000 cu. ft. per quarter, [\$2.71] \$2.83 per 100 cu. ft.

Next succeeding 120,000 cu. ft. per quarter, [\$2.30] \$2.40 per 100 cu. ft.

Over 200,000 cu. ft. per quarter, [\$1.91] \$1.99 per 100 cu. ft.

The minimum charge for water consumed in any premises within the city for any quarter or portion thereof shall not be less than [\$40.69] \$42.51

(c) The following rates shall be charged and collected for the use of water outside the city for residential and commercial purposes supplied by the water board as hereby fixed and established:

First 20,000 cu. ft. per quarter, [\$8.37] \$8.74 per 100 cu. ft.

Next 60,000 cu. ft. per quarter, [\$7.31] \$7.63 per 100 cu. ft.

Next succeeding 120,000 cu. ft. per quarter, [\$6.09] \$6.36 per 100 cu. ft.

Over 200,000 cu. ft. per quarter, [\$5.12] \$5.35 per 100 cu. ft.

The minimum charge for water consumed in any premises located outside the city for domestic purposes for any quarter or portion thereof shall not be less than [\$108.81] \$113.62.

(d) Water used for testing fire hoses, filling tanks, swimming pools, testing sprinkler systems, and like use shall be billed at the highest residential unit rate enumerated in subdivision (b) of this section. The amount used may be either estimated in accordance with the size of the pipe through which taken at the pressure furnished, or determined by the use of a temporary meter rented to the user by the water board. The use of the latter method shall be at the discretion of the director and may require a refundable deposit.

(e) Use of hydrant for any purpose whatsoever shall be subject to a rental charge of \$1.50 per day or partial day.

(f) The cost of hydrant use will include a fee of \$35.00 for backflow device certification, payable at the time of hydrant use application. In addition, daily hydrant and meter rental rates and security deposit amounts shall be established by the director based upon the real cost to the water board.

(g) In addition to the above schedule rates for water consumed there shall be assessed a demand charge for each user's meter as set forth below.

| Size and Type | Charge Per quarter |
|---------------|--------------------|
| Under 1" Disc | \$3.70 |
| 1" Disc | \$25.00 |
| 1½" Disc | \$30.00 |
| 2" Disc | \$40.00 |
| 2" Compound | \$40.00 |
| 3" Compound | \$50.00 |
| 4" Compound | \$100.00 |
| 6" Compound | \$220.00 |
| 8" Compound | \$250.00 |

| | |
|--------------|----------|
| 10" Compound | \$275.00 |
| 12" Compound | \$400.00 |

(h) The rates set forth in this section, however, shall not apply to any user of water with whom there is now outstanding a valid and binding contract with the city and/or water board to supply water at a rate different than the rates stated in this schedule, or to users obtaining water service from the Village of LaSalle prior to May 4, 1927.

(i) In the event the water board or the director terminates water supply service to any property owner or user, such property owner, user or users located at such property shall pay a reactivation fee in the amount of \$75.00 to the water board prior to the supply of water.

(j) There shall be small meter testing charge of \$100.00 for the bench testing of any meter less than two inches in size.

(k) An account reactivation charge of \$100.00 shall be applied whenever a meter is re-installed and an account reactivated.

(l) The water board shall charge a \$25.00 final read fee for all owner requested meter reads.

(m) A hydrant flow test charge shall be applied whenever an owner, user or his agent requests a hydrant flow test.

(n) The annual availability charge for private fire protection service shall be:

| Diameter of Service Connection | Annual Fee |
|--------------------------------|------------|
| 2" or less | \$66.00 |
| 3" | \$95.00 |
| 4" | \$168.00 |
| 6" | \$380.00 |
| 8" | \$670.00 |
| 10" | \$1,050.00 |
| 12" | \$1,510.00 |

(o) A backflow submittal fee of \$25.00 shall be charged for all backflow plans submitted to the water board for approval and forwarding to the State Health Department.

(p) There shall be a \$120.00 inspection fee for each request for a cross-connection inspection.

(q) There shall be a \$60.00 availability charge applied on a quarterly basis to all accounts inactivated pursuant to section 1950.8(m) of this Part.

(r) In addition to the above rates, fees and charges, the following rates shall apply to all users with respect to sewer or wastewater services prescribed in the water board's wastewater regulations in Part 1960 of this Title. There shall be two user classes as provided in Part 1960 of this title, to wit: commercial/small industrial/residential users (CSIRU) and significant industrial users (SIU).

(1) CSIRU. Sewer rates for the CSIRU class are determined by total metered water consumption in each quarter. The schedule of quarterly charges for the CSIRU class shall be as follows:

SCHEDULE I

Minimum charge per quarter: [\$53.95] \$56.29 with a usage allowance of up to 1,300 cubic feet

Additional usage in excess of 1,300: [\$4.15] \$4.33 per 100 cubic feet

The following rates shall be charged and collected for the use of sewer outside the city for residential and commercial purposes as determined by total metered water consumption per quarter. The schedule of quarterly charges for the users outside the city shall be as follows:

Minimum charge per quarter: [\$144.43] \$150.80 with a usage allowance of up to 1,300 cubic feet

Additional usage in excess of 1,300: [\$11.11] \$11.60 per 100 cubic feet

(2) SIU.

(i) Conventional pollutant parameter charges. Sewer rates for the SIU class each quarter are based on measured quantities of the actual discharge parameters: flow, suspended solids and soluble organic carbon. Such determination shall be made by the water board and shall be based upon five representative 24-hour composite samples taken quarterly, at such locations as are adequate to provide proper representation. The schedule of charges for conventional pollutant parameters shall be as follows:

SCHEDULE II

Pollutant Parameters Rate

Flow [\$2,913.39] \$3,044.49 per million gallons

Suspended Solids [\$0.94] \$0.98 per pound

Soluble Organic Carbon [\$1.62] \$1.69 per pound

(ii) Substances of concern parameter charges. SIU's, who have wastewater discharge permits which limit any substance of concern listed in Schedule III contained in this subparagraph, will be billed for discharge

of these substances based on the unit rates shown in Schedule III. Discharge loading for billing purposes shall be determined by arithmetic average of the last six acceptable self-monitoring results. At the option of the SIU, increased self-monitoring can be performed. For billing purposes, when six or more acceptable results are obtained over the three month billing period, all such results shall be used in the computation of the arithmetic average, with a requirement that there be at least two sample results for each month. Average discharge loadings will then be multiplied by the corresponding unit rates from Schedule III to obtain total charges per quarter for each substance of concern listed in the SIU's wastewater discharge permit. All substances of concern charges will be added to the charges for conventional parameters, as specified in subparagraph (i) of this paragraph, to compute the total quarterly sewer rate.

SCHEDULE III

SUBSTANCES OF CONCERN UNIT CHARGES

Parameters Unit Rate

Benzene [\$321.82] \$335.98 per pound

Chloroform [\$57.30] \$59.82 per pound

Dichloroethylenes [\$350.15] \$365.56 per pound

Toluene [\$15.52] \$16.20 per pound

Trichloroethanes [\$72.77] \$75.97 per pound

Trichloroethylene [\$92.88] \$96.97 per pound

Vinyl Chloride [\$46.49] \$48.54 per pound

Monochlorotoluenes [\$3.14] \$3.28 per pound

Tetrachloroethylene [\$43.35] \$45.26 per pound

Total Phenols [\$7.08] \$7.39 per pound

(iii) Billing. SIU charges shall be billed on a monthly basis by the water board. The first and second monthly billings in each quarter shall be estimated and shall be one-third of the total billing in the immediately preceding quarter. The third monthly bill in each quarter shall be based upon actual discharge quantities for that quarter and shall reflect adjustments for the estimated billings in that quarter.

(s) Unless the context specifically indicates otherwise, all terms contained herein shall have the meanings set forth in the regulations adopted by the water board in this Part and Part 1960 of this Title, as applicable.

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 March 19, 2016.

Text of rule and any required statements and analyses may be obtained from: John J. Ottaviano, Niagara Falls Water Board, 172 East Avenue, Lockport, New York 14094, (716) 438-0488, email: ottaviano@ruppbase.com

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 amended rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Public Service Commission

NOTICE OF ADOPTION

Establishing a TDM Program and Incentive and Cost Recovery Mechanisms

I.D. No. PSC-18-15-00006-A

Filing Date: 2015-12-17

Effective Date: 2015-12-17

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

Action taken: On 12/17/15, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s petition to establish a Targeted Demand Management (TDM) Program and to establish incentive and cost recovery mechanisms for TDM and REV Demonstration Projects.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Establishing a TDM program and incentive and cost recovery mechanisms.

Purpose: To approve Con Ed's petition to establish a TDM program and incentive and cost recovery mechanisms.

Substance of final rule: The Commission, on December 17, 2015, adopted an order approving, with modifications, Consolidated Edison Company of New York, Inc.'s petition to establish a Targeted Demand Management (TDM) Program and to establish incentive and cost recovery mechanisms for TDM and REV Demonstration Projects, 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.
(15-E-0229SA1)

NOTICE OF ADOPTION

Petition to Recover Funds Through the Gas Adjustment Clause

I.D. No. PSC-21-15-00007-A

Filing Date: 2015-12-17

Effective Date: 2015-12-17

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

Action taken: On 12/17/15, the PSC adopted an order approving Bath Electric, Gas and Water Systems' (Bath) petition to recover \$274,141 through the gas adjustment clause beginning January 1, 2016.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Petition to recover funds through the gas adjustment clause.

Purpose: To approve Bath's petition to recover \$274,141 through the gas adjustment clause.

Substance of final rule: The Commission, on December 17, 2015, adopted an order approving Bath Electric, Gas and Water Systems' petition to recover \$274,141 over a seven year period (\$39,163 per year) from its firm sales customers through the gas adjustment clause beginning January 1, 2016, 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.
(15-G-0241SA1)

NOTICE OF ADOPTION

Petition for Issuance of Long-Term Debt

I.D. No. PSC-27-15-00012-A

Filing Date: 2015-12-18

Effective Date: 2015-12-18

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

Action taken: On 12/17/15, the PSC adopted an order authorizing The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY) to issue long-term debt in one or more transactions, no later than March 31, 2019.

Statutory authority: Public Service Law, section 69

Subject: Petition for issuance of long-term debt.

Purpose: To authorize KEDNY to issue long-term debt.

Substance of final rule: The Commission, on December 17, 2015, adopted an order authorizing The Brooklyn Union Gas Company d/b/a National Grid NY to issue and sell up to \$1.04 billion of long-term debt, in one or more transactions, for traditional utility purposes and an additional \$640.5 million of long-term debt to refund existing long-term debt obligations, no later than March 31, 2019, 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.
(15-G-0309SA1)

NOTICE OF ADOPTION

Petition for Issuance of Long-Term Debt

I.D. No. PSC-27-15-00015-A

Filing Date: 2015-12-18

Effective Date: 2015-12-18

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

Action taken: On 12/17/15, the PSC adopted an order authorizing KeySpan Gas East Corporation d/b/a National Grid (KEDLI) to issue long-term debt in one or more transactions, no later than March 31, 2019.

Statutory authority: Public Service Law, section 69

Subject: Petition for issuance of long-term debt.

Purpose: To authorize KEDLI to issue long-term debt.

Substance of final rule: The Commission, on December 17, 2015, adopted an order authorizing KeySpan Gas East Corporation d/b/a National Grid to issue and sell up to \$705 million of long-term debt, in one or more transactions, for traditional utility purposes and an additional \$500 million of long-term debt to refund existing long-term debt obligations, no later than March 31, 2019, 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.
(15-G-0308SA1)

NOTICE OF ADOPTION

Petition for Issuance of Long-Term Debt

I.D. No. PSC-27-15-00017-A

Filing Date: 2015-12-18

Effective Date: 2015-12-18

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

Action taken: On 12/17/15, the PSC adopted an order authorizing Rochester Gas and Electric Corporation (RG&E) to issue long-term debt, no later than December 31, 2020.

Statutory authority: Public Service Law, section 69

Subject: Petition for issuance of long-term debt.

Purpose: To authorize RG&E to issue long-term debt.

Substance of final rule: The Commission, on December 17, 2015, adopted an order authorizing Rochester Gas and Electric Corporation to issue and sell up to \$509.85 million of long-term debt for traditional utility purposes and an additional \$118 million of long-term debt to refund existing tax-exempt debt securities, no later than December 31, 2020, 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.

(15-M-0326SA1)

NOTICE OF ADOPTION

Petition for Clarification and Revision of Ordering Clause 5

I.D. No. PSC-31-15-00011-A

Filing Date: 2015-12-17

Effective Date: 2015-12-17

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

Action taken: On 12/17/15, the PSC adopted an order approving Orange and Rockland Utilities, Inc.'s (O&R) petition for clarification and revision to Ordering Clause 5.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Petition for clarification and revision of Ordering Clause 5.

Purpose: To approve the petition for clarification and revision of Ordering Clause 5.

Substance of final rule: The Commission, on December 17, 2015, adopted an order approving Orange and Rockland Utilities, Inc.'s (O&R) petition for clarification and revision to Ordering Clause 5 of the "Order Requiring Local Distribution Companies to Follow and Complete Remediation Plans as Modified in this Order and to Implement New Inspections Protocols," issued May 15, 2015, to exclude O&R, 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.

(14-G-0212SA3)

NOTICE OF ADOPTION

Amendments to Establish an Electric EE Tracker Program

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

Filing Date: 2015-12-18

Effective Date: 2015-12-18

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

Action taken: On 12/17/15, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Ed) amendments to establish an electric Energy Efficiency Tracker (EE Tracker) program contained in P.S.C. No. 10—Electricity.

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

Subject: Amendments to establish an electric EE Tracker program.

Purpose: To approve Con Ed's amendments to establish an electric Energy Efficiency Tracker (EE Tracker) program.

Substance of final rule: The Commission, on December 17, 2015, adopted an order approving Consolidated Edison Company of New York, Inc.'s amendments to establish an electric Energy Efficiency Tracker program contained in P.S.C. No. 10 – Electricity, 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.

(15-M-0252SA12)

NOTICE OF ADOPTION

Amendments to Establish a Gas EE Tracker Program

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

Filing Date: 2015-12-18

Effective Date: 2015-12-18

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

Action taken: On 12/17/15, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Ed) amendments to establish a gas Energy Efficiency Tracker (EE Tracker) program contained in P.S.C. No. 9—Gas.

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

Subject: Amendments to establish a gas EE Tracker program.

Purpose: To approve Con Ed's amendments to establish a gas Energy Efficiency Tracker (EE Tracker) program.

Substance of final rule: The Commission, on December 17, 2015, adopted an order approving Consolidated Edison Company of New York, Inc.'s amendments to establish a gas Energy Efficiency Tracker program contained in P.S.C. No. 9 – Gas, 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.

(15-M-0252SA13)

NOTICE OF ADOPTION

Amendments to Establish a Gas EE Tracker Program

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

Filing Date: 2015-12-18

Effective Date: 2015-12-18

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

Action taken: On 12/17/15, the PSC adopted an order approving KeySpan Gas East Corporation d/b/a Brooklyn Union of L.I.'s (KEDLI) amendments to establish a gas Energy Efficiency Tracker (EE Tracker) program contained in P.S.C. No. 1—Gas.

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

Subject: Amendments to establish a gas EE Tracker program.

Purpose: To approve KEDLI's amendments to establish a gas Energy Efficiency Tracker (EE Tracker) program.

Substance of final rule: The Commission, on December 17, 2015, adopted an order approving KeySpan Gas East Corporation d/b/a Brooklyn Union of L.I.'s amendments to establish a gas Energy Efficiency Tracker program contained in P.S.C. No. 1 – Gas, 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.

(15-M-0252SA14)

NOTICE OF ADOPTION**Amendments to Establish a Gas EE Tracker Program****I.D. No.** PSC-32-15-00016-A**Filing Date:** 2015-12-18**Effective Date:** 2015-12-18

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

Action taken: On 12/17/15, the PSC adopted an order approving National Fuel Gas Distribution Corporation's (NFG) amendments to establish a gas Energy Efficiency Tracker (EE Tracker) program contained in P.S.C. No. 8—Gas.

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

Subject: Amendments to establish a gas EE Tracker program.

Purpose: To approve NFG's amendments to establish a gas Energy Efficiency Tracker (EE Tracker) program.

Substance of final rule: The Commission, on December 17, 2015, adopted an order approving National Fuel Gas Distribution Corporation's amendments to establish a gas Energy Efficiency Tracker program contained in P.S.C. No. 8 – Gas, 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.

(15-M-0252SA15)

NOTICE OF ADOPTION**Amendments to Establish an Electric EE Tracker Program****I.D. No.** PSC-32-15-00017-A**Filing Date:** 2015-12-18**Effective Date:** 2015-12-18

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

Action taken: On 12/17/15, the PSC adopted an order approving New York State Electric and Gas Corporation's (NYSEG) amendments to establish an electric Energy Efficiency Tracker (EE Tracker) program contained in P.S.C. Nos. 120 and 121—Electricity.

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

Subject: Amendments to establish an electric EE Tracker program.

Purpose: To approve NYSEG's amendments to establish an electric Energy Efficiency Tracker (EE Tracker) program.

Substance of final rule: The Commission, on December 17, 2015, adopted an order approving New York State Electric and Gas Corporation's amendments to establish an electric Energy Efficiency Tracker program contained in P.S.C. Nos. 120 and 121 – Electricity, 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.

(15-M-0252SA16)

NOTICE OF ADOPTION**Amendments to Establish an Electric EE Tracker Program****I.D. No.** PSC-32-15-00018-A**Filing Date:** 2015-12-18**Effective Date:** 2015-12-18

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

Action taken: On 12/17/15, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (Niagara Mohawk) amendments to establish an electric Energy Efficiency Tracker (EE Tracker) program contained in P.S.C. Nos. 214 and 220—Electricity.

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

Subject: Amendments to establish an electric EE Tracker program.

Purpose: To approve Niagara Mohawk's amendments to establish an electric Energy Efficiency Tracker (EE Tracker) program.

Substance of final rule: The Commission, on December 17, 2015, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's amendments to establish an electric Energy Efficiency Tracker program contained in P.S.C. Nos. 214 and 220 – Electricity, 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.

(15-M-0252SA18)

NOTICE OF ADOPTION**Amendments to Establish a Gas EE Tracker Program****I.D. No.** PSC-32-15-00019-A**Filing Date:** 2015-12-18**Effective Date:** 2015-12-18

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

Action taken: On 12/17/15, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (Niagara Mohawk) amendments to establish a gas Energy Efficiency Tracker (EE Tracker) program contained in P.S.C. No. 219—Gas.

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

Subject: Amendments to establish a gas EE Tracker program.

Purpose: To approve Niagara Mohawk's amendments to establish a gas Energy Efficiency Tracker (EE Tracker) program.

Substance of final rule: The Commission, on December 17, 2015, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's amendments to establish a gas Energy Efficiency Tracker program contained in P.S.C. No. 219 – Gas, 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.

(15-M-0252SA19)

NOTICE OF ADOPTION

Amendments to Establish an Electric EE Tracker Program

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

Filing Date: 2015-12-18

Effective Date: 2015-12-18

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

Action taken: On 12/17/15, the PSC adopted an order approving Rochester Gas and Electric Corporation's (RG&E) amendments to establish an electric Energy Efficiency Tracker (EE Tracker) program contained in P.S.C. Nos. 18 and 19—Electricity.

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

Subject: Amendments to establish an electric EE Tracker program.

Purpose: To approve RG&E's amendments to establish an electric Energy Efficiency Tracker (EE Tracker) program.

Substance of final rule: The Commission, on December 17, 2015, adopted an order approving Rochester Gas and Electric Corporation's amendments to establish an electric Energy Efficiency Tracker program contained in P.S.C. Nos. 18 and 19 – Electricity, 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.

(15-M-0252SA20)

NOTICE OF ADOPTION

Amendments to Establish a Gas EE Tracker Program

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

Filing Date: 2015-12-18

Effective Date: 2015-12-18

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

Action taken: On 12/17/15, the PSC adopted an order approving Rochester Gas and Electric Corporation's (RG&E) amendments to establish a gas Energy Efficiency Tracker (EE Tracker) program contained in P.S.C. No. 16—Gas.

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

Subject: Amendments to establish a gas EE Tracker program.

Purpose: To approve RG&E's amendments to establish a gas Energy Efficiency Tracker (EE Tracker) program.

Substance of final rule: The Commission, on December 17, 2015, adopted an order approving Rochester Gas and Electric Corporation's amendments to establish a gas Energy Efficiency Tracker program contained in P.S.C. No. 16 – Gas, 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.

(15-M-0252SA21)

NOTICE OF ADOPTION

Amendments to Establish a Gas EE Tracker Program

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

Filing Date: 2015-12-18

Effective Date: 2015-12-18

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

Action taken: On 12/17/15, the PSC adopted an order approving Brooklyn Union Gas Company d/b/a National Grid NY's (KEDNY) amendments to establish a gas Energy Efficiency Tracker (EE Tracker) program contained in P.S.C. No. 12—Gas.

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

Subject: Amendments to establish a gas EE Tracker program.

Purpose: To approve KEDNY's amendments to establish a gas Energy Efficiency Tracker (EE Tracker) program.

Substance of final rule: The Commission, on December 17, 2015, adopted an order approving Brooklyn Union Gas Company d/b/a National Grid NY's amendments to establish a gas Energy Efficiency Tracker program contained in P.S.C. No. 12 – Gas, 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.

(15-M-0252SA22)

NOTICE OF ADOPTION

Amendments to Establish a Gas EE Tracker Program

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

Filing Date: 2015-12-18

Effective Date: 2015-12-18

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

Action taken: On 12/17/15, the PSC adopted an order approving New York State Electric and Gas Corporation's (NYSEG) amendments to establish a gas Energy Efficiency Tracker (EE Tracker) program contained in P.S.C. Nos. 87, 88 and 90—Gas.

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

Subject: Amendments to establish a gas EE Tracker program.

Purpose: To approve NYSEG's amendments to establish a gas Energy Efficiency Tracker (EE Tracker) program.

Substance of final rule: The Commission, on December 17, 2015, adopted an order approving New York State Electric and Gas Corporation's amendments to establish a gas Energy Efficiency Tracker program contained in P.S.C. Nos. 87, 88 and 90 – Gas, 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.

(15-M-0252SA17)

NOTICE OF ADOPTION

Amendments to Rule No. 35, Contained in P.S.C. No. 220—Electricity**I.D. No.** PSC-33-15-00007-A**Filing Date:** 2015-12-17**Effective Date:** 2015-12-17

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

Action taken: On 12/17/15, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (NMPC) tariff filing for amendments to Rule No. 35, contained in P.S.C. No. 220—Electricity.

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

Subject: Amendments to Rule No. 35, contained in P.S.C. No. 220—Electricity.

Purpose: To approve NMPC's tariff filing to make amendments to Rule No. 35, contained in P.S.C. No. 220—Electricity.

Substance of final rule: The Commission, on December 17, 2015, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's tariff filing for amendments to Rule No. 35 – Cable System Operator and Telecommunication Service Provider Wire Line Attachment Rates to Electric Distribution Poles, contained in P.S.C. No. 220 – Electricity, 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.

(15-E-0444SA1)

NOTICE OF ADOPTION

Town of Haverstraw Desalination Plant Construction**I.D. No.** PSC-34-15-00017-A**Filing Date:** 2015-12-18**Effective Date:** 2015-12-18

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

Action taken: On 12/17/15, the PSC adopted an order directing United Water New York, Inc. (UWNY) to abandon its plan to construct a desalination plant in the Town of Haverstraw.

Statutory authority: Public Service Law, section 89-b

Subject: Town of Haverstraw desalination plant construction.

Purpose: To direct UWNY to abandon its plan to construct a desalination plant in the Town of Haverstraw.

Substance of final rule: The Commission, on December 17, 2015, adopted an order directing United Water New York, Inc. to abandon its plan to construct a desalination plant in the Town of Haverstraw, 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.

(13-W-0303SA1)

NOTICE OF ADOPTION

Major Electric Transmission Facilities Driven by Public Policy Requirements**I.D. No.** PSC-40-15-00011-A**Filing Date:** 2015-12-17**Effective Date:** 2015-12-17

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

Action taken: On 12/17/15, the PSC adopted an order determining that there is a transmission need driven by Public Policy Requirements for new 345kV major electric transmission facilities to cross the Central East and UPNY/SENY interfaces.

Statutory authority: Public Service Law, sections 4(1), 5(1)(b), (2), 65(1), 66(1), (2) and (5)

Subject: Major electric transmission facilities driven by Public Policy Requirements.

Purpose: To determine that there is a need for major electric transmission facilities driven by Public Policy Requirements.

Substance of final rule: The Commission, on December 17, 2015, adopted an order determining that there is a transmission need driven by Public Policy Requirements for new 345 kV major electric transmission facilities to cross the Central East and UPNY/SENY interfaces to provide additional transmission capacity to move power from upstate to downstate, 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.

(12-T-0502SA5)

NOTICE OF ADOPTION

Amendments to SC 20, Contained in P.S.C. No. 9—Gas**I.D. No.** PSC-41-15-00010-A**Filing Date:** 2015-12-17**Effective Date:** 2015-12-17

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

Action taken: On 12/17/15, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Ed) tariff filing to make amendments to Service Classification No. 20 (SC 20), contained in P.S.C. No. 9—Gas.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Amendments to SC 20, contained in P.S.C. No. 9—Gas.

Purpose: To approve Con Ed's tariff filing to make amendments to SC 20, contained in P.S.C. No. 9—Gas.

Substance of final rule: The Commission, on December 17, 2015, adopted an order approving Consolidated Edison Company of New York, Inc.'s tariff filing to make amendments to Service Classification No. 20 – Transportation Receipt Service, contained in P.S.C. No. 9 – Gas, to offer a Managed Supply Service pilot program for a three-month period during the 2015-2016 winter season and to make revisions to the Winter Bundled Sales Service, effective January 1, 2016, 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.

(15-G-0578SA1)

NOTICE OF ADOPTION**Petition to Recover Deferrals Through the DRA****I.D. No.** PSC-43-15-00005-A**Filing Date:** 2015-12-21**Effective Date:** 2015-12-21

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

Action taken: On 12/17/15, the PSC adopted an order authorizing Corning Natural Gas Corporation (Corning) to recover contract customer revenue and property tax deferrals through the Delivery Rate Adjustment (DRA) clause.

Statutory authority: Public Service Law, sections 4, 5, 65 and 66

Subject: Petition to recover deferrals through the DRA.

Purpose: To authorize Corning to recover deferrals through the DRA.

Substance of final rule: The Commission, on December 17, 2015, adopted an order authorizing Corning Natural Gas Corporation to recover \$1,136,382, to offset contract customer revenue deferrals of \$413,835 for rate year three and property tax deferrals of \$722,547 for both rate year two (\$299,820) and rate year three (\$422,727), through the Delivery Rate Adjustment clause, commencing on January 1, 2016, 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.

(13-G-0465SA3)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED****Revenue Assurance Calculations****I.D. No.** PSC-01-16-00002-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 by Tiashoke Farms LLC. (Tiashoke) against Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) in regards to the revenue assurance calculations for an upgraded service.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Revenue assurance calculations.

Purpose: To consider whether the revenue assurance National Grid is requiring of Tiashoke for the upgraded service is appropriate.

Substance of proposed rule: The Public Service Commission is considering a Petition filed on November 25, 2015 by Tiashoke Farm LLC. (Tiashoke) regarding a revenue assurance calculation for an upgraded interconnection to accommodate increased load. Tiashoke disputes Niagara Mohawk Power Corporation d/b/a National Grid's (Company) calculated revenue assurance as well as its intended contract duration. The petitioner requests that the Commission review the revenue assurance calculations to determine if the calculations are consistent with the Company's tariff. The Commission may adopt, reject or modify, in whole or in part, the petition request 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.

(15-E-0700SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED****Deferral of Expenses****I.D. No.** PSC-01-16-00003-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 St. Lawrence Gas Company, Inc. for authority to defer approximately \$163,949 of incremental expenses related to Risk Assessment and Remediation of Gas Facilities.

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

Subject: Deferral of expenses.

Purpose: To consider a petition for the deferral of expenses.

Substance of proposed rule: The Public Service Commission (Commission) is considering the petition filed by St. Lawrence Gas Company, Inc. (St. Lawrence), on November 4, 2015. The petition, requests authority to defer incremental expenses related to Risk Assessment requirements required by the Commission's orders in Case 11-G-0565. On February 20, 2014, the Commission issued, by emergency rule, an Order Requiring Risk Assessment and Remediation of New York Gas Facilities. In Case 11-G-0565, the Commission issued its Order Making Permanent Risk Assessment Order and Clarifying Requirements on June 27, 2014, in which the Commission stated that utilities may file a petition requesting deferral accounting treatment of the incremental costs to comply with the June 27, 2014 Order. As a result of St. Lawrence Gas Company, Inc.'s compliance with the requirements in the orders issued in Case 11-G-0565, St. Lawrence states that it has incurred approximately \$163,949 of incremental expenses. The Commission is considering whether to approve or reject, in whole or in part, St. Lawrence's petition for authority to defer these expenses and may 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: 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.

(15-G-0711SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED****Notice of Intent to Submeter Electricity****I.D. No.** PSC-01-16-00004-P

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

Proposed Action: The Public Service Commission is considering the Notice of Intent, filed by 10 Madison Square West, to submeter electricity at 10 Madison Square West, 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 10 Madison Square West to submeter electricity at 10 Madison Square West, New York, NY.

Substance of proposed rule: The Commission is considering the Notice

of Intent, filed by 10 Madison Square West on December 10, 2015, to submeter electricity at 10 Madison Square West, 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.

(15-E-0707SP1)

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

Proposed Amendment to Section 5, Attachment 1.A of the Uniform Business Practices

I.D. No. PSC-01-16-00005-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 Petition filed on September 11, 2015 by Just Energy, LLC to amend and revise Section 5, Attachment 1.A of the Uniform Business Practices to allow for online verification of customer enrollment.

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

Subject: Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices.

Purpose: To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices.

Substance of proposed rule: The Public Service Commission is considering a Petition filed on September 11, 2015 by Just Energy, LLC to amend and revise Section 5, Attachment 1.A of the Uniform Business Practices (UBP) to allow for online verification of customer enrollment. Currently, the UBP only allows verification of customer enrollment to be conducted through a voice-recorded verification performed by an Independent Third Party or an Integrated Voice Response system. The proposed amendment would provide customers with the ability to verify their enrollment with an Energy Service Company through an online electronic verification process. 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.

(15-M-0734SP1)