

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

EMERGENCY RULE MAKING

Sanitation in Retail Food Stores and Method of Sale, at Retail, of Certain Foods

I.D. No. AAM-41-16-00004-E

Filing No. 897

Filing Date: 2016-09-23

Effective Date: 2016-09-23

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

Action taken: Addition of Parts 271 and 272 to Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 16, 18, 96-c and 214-b

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

Specific reasons underlying the finding of necessity: This regulation re-adopts Parts 271 and 272 of 1 NYCRR. This is necessary due to a technical error affecting Parts 271 and 272 when there was no rule making proceeding involving these Parts. In re-adopting these rules, the Department is not amending them, but is curing a lapse in coverage due to this technical error.

Based on the facts and circumstances set forth above, the Department has determined that the immediate adoption of these rules is necessary for the preservation of the general welfare and that compliance with 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

Subject: Sanitation in retail food stores and method of sale, at retail, of certain foods.

Purpose: To cause the republication of regulations governing retail food stores and the method of sale of certain foods at retail.

Substance of emergency rule: Subpart 271-1. General Provisions.

This Subpart sets forth the purpose of Part 271 as protecting the public health (sec. 271-1.1).

This Subpart also contains a definition section (sec. 271-1.2).

Subpart 271-2. Food Supplies.

This Subpart generally sets forth the existing requirements governing the storage, handling, preparation, offering for sale and sale of food by retail food stores.

Subpart 271-3. Personnel.

This Subpart sets forth the existing requirements for management and personnel in food stores.

Subpart 271-4. Equipment and Utensils.

This Subpart sets forth the existing requirements for equipment and utensils, including design and condition.

Subpart 271-5. Cleaning, Sanitization and Storage of Equipment and Utensils.

This Subpart sets forth the existing requirements for maintenance of equipment and utensils, including cleaning, sanitizing and storage of same.

Subpart 271-6. Sanitary Facilities and Controls.

This Subpart sets forth the existing requirements for water, steam, sewage, plumbing, toilet rooms, handwash facilities, garbage and vermin control.

Subpart 271-7. Construction and Maintenance of Physical Facilities.

This Subpart sets forth the existing requirements for the physical structure and layout of the store, including the exterior of the establishment.

Subpart 271-8. Food Display and Service at Salad Bars.

This Subpart generally sets forth the existing requirements for maintaining food free of contamination and ensuring that food displays and salad bars are kept under sanitary conditions.

Subpart 271-9. Compliance and Enforcement.

This Subpart generally sets forth the existing required contents of a Hazard Analysis and Critical Control Point (HACCP) Plan as well as circumstances under which a HACCP Plan is required for processing certain high risk foods.

Subpart 272-1. Meat for Sale at Retail.

This Subpart sets forth existing requirements and conditions regarding labeling and advertising; exceptions to labeling and advertising requirements in certain cases; the use of the name of the meat on labeling; use of USDA grading terms; labeling of certain meat food products; and labeling of fabricated steak and frozen meat. There are also charts depicting beef, veal, lamb and pork carcasses. Finally, there is a prohibition against advertising meat for sale at retail unless there is a sufficient quantity of product available at each outlet listed in the advertisement to meet demand.

Subpart 272-2. Advertising and Marketing of Food for Sale at Retail.

This Subpart sets forth existing requirements concerning availability of advertised items; mispricing of advertised items; and general disclaimers.

Subpart 272-3. Sale of Small Quantities of Prepackaged Fresh Fruits and Vegetables.

This Subpart sets forth existing requirements which provide that small quantities of fresh fruits or vegetables shall be made available by opening a package of the commodity in stock, when the commodity in question is unavailable in unpackaged form. The Subpart also requires the posting of a sign which reads "Small Quantities of

Prepackaged Fresh Fruits and Vegetables are Available upon Request.”

Subpart 272-4. Sale of Seafood, Fish, Meat and Poultry in Frozen State.

This Subpart sets forth existing requirements which prohibit the sale of seafood, food fish or shellfish, meat, meat by-product or meat food product, poultry or poultry product in a frozen state when it was previously offered for sale in an unfrozen state, unless the package or container with the product is labeled with the words “This product was previously offered for sale in an unfrozen state.” This Subpart has the same requirements regarding these products sold in bulk.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires December 21, 2016.

Text of rule and any required statements and analyses may be obtained from: Stephen D. Stich, NYS Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, (518) 457-4492, email: Stephen.Stich@agriculture.ny.gov

Regulatory Impact Statement

The proposed rule will have the effect of republishing Part 271, the retail food store sanitation regulations, and Part 272, the retail food sales regulations, in 1 NYCRR. As a result of a drafting error set forth in the express terms of a notice of adoption published in the New York State Register on June 22, 2016, all of Subchapter E of Chapter VI of 1 NYCRR was repealed (that Subchapter contained Part 270 [maple syrup regulations], Part 271, and Part 272); the Department intended, however, only to delete and move Part 270 from that Subchapter and place it in Subchapter D, not to repeal all of Subchapter E and Parts 271 and 272 therein.

This emergency rulemaking has been commenced to correct the error referred to above. The purported repeal of Subchapter E was, based upon the foregoing, without legal force and effect with respect to Parts 271 and 272 and this rulemaking ensures that the public will be on notice that Subchapter E, and Parts 271 and 272 therein, remain in full force and effect and were and are unaffected by the deletion of Part 270 from that Subchapter.

As such, this emergency rulemaking is a technical amendment and is therefore exempt from SAPA section 202-a.

Regulatory Flexibility Analysis

The proposed rule will have the effect of republishing Part 271, the retail food store sanitation regulations, and Part 272, the retail food sales regulations, in 1 NYCRR. As a result of a drafting error set forth in the express terms of a notice of adoption published in the New York State Register on June 22, 2016, all of Subchapter E of Chapter VI of 1 NYCRR was repealed (that Subchapter contained Part 270 [maple syrup regulations], Part 271, and Part 272); the Department intended, however, only to delete and move Part 270 from that Subchapter and place it in Subchapter D, not to repeal all of Subchapter E and Parts 271 and 272 therein.

This emergency rulemaking is technical in nature and has been commenced to correct the error referred to above. The purported repeal of Subchapter E was, based upon the foregoing, without legal force and effect with respect to Parts 271 and 272 and this technical rulemaking ensures that the public will be on notice that Subchapter E, and Parts 271 and 272 therein, remain in full force and effect and were and are unaffected by the deletion of Part 270 from that Subchapter.

As such, this rulemaking will have no impact on regulated parties, including small business and local governments.

Rural Area Flexibility Analysis

The proposed rule will have the effect of republishing Part 271, the retail food store sanitation regulations, and Part 272, the retail food sales regulations, in 1 NYCRR. As a result of a drafting error set forth in the express terms of a notice of adoption published in the New York State Register on June 22, 2016, all of Subchapter E of Chapter VI of 1 NYCRR was repealed (that Subchapter contained Part 270 [maple syrup regulations], Part 271, and Part 272); the Department intended, however, only to delete and move Part 270 from that Subchapter and place it in Subchapter D, not to repeal all of Subchapter E and Parts 271 and 272 therein.

This emergency rulemaking is technical in nature and has been commenced to correct the error referred to above. The purported repeal of Subchapter E was, based upon the foregoing, without legal force and effect with respect to Parts 271 and 272 and this technical rulemaking ensures that the public will be on notice that Subchapter E, and Parts 271 and 272 therein, remain in full force and effect and were and are unaffected by the deletion of Part 270 from that Subchapter.

As such, this emergency rulemaking will have no impact on regulated parties, including those in rural areas.

Job Impact Statement

The proposed rule will have the effect of republishing Part 271, the retail food store sanitation regulations, and Part 272, the retail food sales

regulations, in 1 NYCRR. As a result of a drafting error set forth in the express terms of a notice of adoption published in the New York State Register on June 22, 2016, all of Subchapter E of Chapter VI of 1 NYCRR was repealed (that Subchapter contained Part 270 [maple syrup regulations], Part 271, and Part 272); the Department intended, however, only to delete and move Part 270 from that Subchapter and place it in Subchapter D, not to repeal all of Subchapter E and Parts 271 and 272 therein.

This emergency rulemaking is technical in nature and has been commenced to correct the error referred to above. The purported repeal of Subchapter E was, based upon the foregoing, without legal force and effect with respect to Parts 271 and 272 and this technical rulemaking ensures that the public will be on notice that Subchapter E, and Parts 271 and 272 therein, remain in full force and effect and were and are unaffected by the deletion of Part 270 from that Subchapter.

As such, this emergency rulemaking will have no adverse impact on jobs or employment opportunities in the State.

State Board of Elections

EMERGENCY RULE MAKING

Implementation of Independent Expenditure Disclosure Pursuant to the Election Law

I.D. No. SBE-41-16-00003-E

Filing No. 896

Filing Date: 2016-09-23

Effective Date: 2016-09-23

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

Action taken: Amendment of section 6200.10 of Title 9 NYCRR.

Statutory authority: Election Law, section 14-107(7)

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

Specific reasons underlying the finding of necessity: On August 24, 2016, the Governor signed into law Chapter 286 of the Laws of 2016, concerning, among other things, modifications and additions to the laws relating to the disclosure of Independent Expenditures, certain portions of which go into effect 30 days after being signed into law; which is September 23, 2016.

It has been long established that timely and accurate disclosure of campaign financial activity is of critical import to the electoral process, and that such disclosure also includes the disclosure of Independent Expenditure activity.

A conflict between the regulations of the Board and the statute would frustrate disclosure. It is therefore necessary for the general welfare of the public that Part 6200.10 of the NYCRR be amended on an Emergency Basis, to implement the disclosure of Independent Expenditures that are required by law.

Subject: Implementation of independent expenditure disclosure pursuant to the election law.

Purpose: The rule effectuates the amendments to article 14 of the Election Law resulting from chapter 286 of the Laws of 2016.

Substance of emergency rule: The proposed amendment to 6200.10 implements changes in law resulting from Chapter 286 of the Laws of 2016. The rule provides for additional aspects to the definition of what is and what is not an independent expenditure, including a definition of activities that are coordination as well as activities that are not coordination. The rule provides for changes to the content and manner of disclosures required by independent expenditure entities. Political action committees are defined, and additional disclosures and limitations required by law are provided for.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire December 21, 2016.

Text of rule and any required statements and analyses may be obtained from: Brian L. Quail, New York State Board of Elections, 40 North Pearl Street, Floor 5, Albany, New York 12207, (518) 473-5088, email: brian.quail@elections.ny.gov

Regulatory Impact Statement

1. Statutory authority: Election Law 14-107 requires the New York State Board of Elections to provide for reporting of independent expendi-

tures, and this requires rules for implementation. Election Law 14-107[7] expressly authorizes the New York State Board of Elections to promulgate such rules and regulations.

2. Legislative objectives: The legislative objective furthered by the regulation is to provide the system of independent expenditure reporting that increases transparency in the election process. Specifically this regulation makes amendments to conform to amendment to Election Law 14-107 enacted by Chapter 286 of the Laws of 2016.

3. Needs and benefits: The regulation amends the independent expenditure reporting requirements of the Election Law and is required to implement Chapter 286 of the Laws of 2016. The rules provides for additional aspects to the definition of what is and what is not an independent expenditure, including a definition of activities that are coordination as well as activities that are not coordination. The rule provides for changes to the content and manner of disclosures required by independent expenditure entities. Political action committees are defined, and additional disclosures and limitations required by law are provided for.

4. Costs:

a. This regulatory amendment does not increase costs to regulated parties as the regulation reflects only existing statutory obligations. There is a cost to the time and effort required by regulated political committees to register and file reports.

b. There is no new agency or state costs created by this rulemaking.

c. This assessment of cost is based on the nature of the regulation.

d. This regulatory amendment does not create new costs as the reporting obligations are in Election Law 14-107.

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

6. Paperwork: This proposed rule imposes no new reporting or regulatory filing requirements not provided for by statute, but statutory compliance requires registering as a political committee if engaging in independent expenditure activity and filing appropriate reports.

7. Duplication: There is no jurisdictional duplication created by this rulemaking.

8. Alternatives: This rulemaking amends the existing regulations to conform to the requirements of Election Law 14-107 as amended by Chapter 286 of the Laws of 2016. There are no known alternatives, but public comment will be accepted.

9. Federal standards: Not applicable.

10. Compliance schedule: The rule provides no new compliance schedules not already expressly provided for by section 14-107 of the Election Law.

Regulatory Flexibility Analysis

1. Effect of rule: There is no impact on local government due to this rule. This rule will have a minimal impact on small business. Should a small business engage in independent expenditures, the existing statute and regulation would require the committee to register and report activity to the State Board of Elections. This rule reflects a statutory amendment to Election Law 14-107 in 2016.

2. Compliance requirements: If a small business engaged in independent expenditures, they are required under existing law to register with the State Board of Elections as a political committee and to comply with the provisions of Article 14 of the Election Law, as applicable. This rule has no impact on local governments.

3. Professional services: A small business that engages in independent expenditures may acquire accounting services to maintain and report activity to comply with the existing reporting requirements. This rule making, conforming the statute to the regulatory text, does not significantly change any such potential need.

4. Compliance costs: It is unclear what the compliance costs are for regulated business or industry to comply with this rule. This rule making, conforming the statute to the regulatory text, does not significantly change any such potential need. Nothing in this rule mandates any entity to engage in the activities triggering filing requirements.

5. Economic and technological feasibility: Our assessment of the economic and technological feasibility of compliance with this rule, as with the existing rule, is that a small business would need a computer to make required disclosures.

6. Minimizing adverse impact: The rule requires no mitigation of impacts on small businesses as it regulates independent expenditures and reporting by those entities which choose to engage in those activities on an equal basis. The rules does not require engaging in such activities. The rules has no impact on local governments.

7. Small business and local government participation: The State Board of Elections has solicited and will continue to solicit public comment. This would include comments that may suggest alternatives to minimize the impact on small businesses that choose to make independent expenditures regulated by Article 14 of the Election Law.

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

9. (IF APPLICABLE): Initial review of the rule, pursuant to SAPA § 207: Not applicable.

Rural Area Flexibility Analysis

Under SAPA 202-bb(4)(a), when a rule does not impose an adverse economic impact on rural areas and the agency finds it would not impose reporting, recordkeeping, or other compliance requirements on public or private entities in rural areas, the agency may file a Statement in Lieu of. This rule has statewide application, amending the rules for independent expenditure reporting as provided by Election Law section 14-107. The proposed rule does not create any new reporting, recordkeeping or other routine compliance requirements as they are already expressly required by law. Accordingly, this rule has no adverse impacts on any area.

Job Impact Statement

1. Nature of impact: This rule should have minimal or no impact on jobs as it amends existing independent disclosure requirements by political committees. Prior to this rule, which amends specific reporting requirements to reflect amendments to Election Law § 14-107 in 2016, committees already had obligations to register and disclose expenditure activity with the State Board of Elections.

2. Categories and numbers affected: This rule will impact committees which engage in independent expenditure activity. This rules will not create employment opportunities.

3. Regions of adverse impact: This rules has a statewide applicability, and has no disproportionate adverse impact on jobs or employment opportunities in any region.

4. Minimizing adverse impact: The State Board of Elections has not taken any measures to minimize adverse impact on existing jobs or promote the development of new employment opportunities because the State Board of Elections has determined this rule would not have an adverse impact on jobs.

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

6. (IF APPLICABLE) Initial review of the rule, pursuant to SAPA § 207: Not applicable.

Assessment of Public Comment

The agency received no public comment since publication of the last assessment of public comment.

Department of Environmental Conservation

NOTICE OF ADOPTION

Peekamoose Valley Riparian Corridor

I.D. No. ENV-23-16-00001-A

Filing No. 899

Filing Date: 2016-09-27

Effective Date: 2016-10-12

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

Action taken: Addition of section 190.35 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101(3)(b), 3-0301(1)(b), (d), (2)(m), 9-0105(1) and (3)

Subject: Peekamoose Valley Riparian Corridor.

Purpose: Protect public health, safety and general welfare, as well as the natural resources on the Peekamoose Valley Riparian Corridor.

Text or summary was published in the June 8, 2016 issue of the Register, I.D. No. ENV-23-16-00001-EP.

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

Text of rule and any required statements and analyses may be obtained from: William Rudge, Natural Resources Supervisor, NYS DEC, 21 South Putt Corners Road, New Paltz, NY 12561-1696, (845) 256-3092, email: bill.rudge@dec.ny.gov

Additional matter required by statute: A Short EAF/Negative Declaration has been prepared in compliance with Article 8 of the Environmental Conservation Law.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2019, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

Peekamoose Valley Riparian Corridor (Blue Hole) Special Regulations
The 45 day public comment period from June 8 through July 23, 2016 resulted in eight written comments. In addition, the Department hosted a public meeting on June 21, 2016 in the local community to explain the regulations and receive public comments. Approximately 20 people attended the meeting and several made verbal comments.

Comment: Strongly support the proposed regulations. Feels that the regulations will help deter abuse and overuse of the property. (eight written comments, several verbal comments).

Response: Thank you.

Comment: Post "Park head-on" signs to encourage people to park in the most efficient way, given the limited parking available.

Response: The Department will look into ways to delineate parking spaces in gravel lots to improve parking.

Comment: Limit the number of people who use the property on a given day. Require permits for camping and day use.

Response: The new regulations are intended to help reduce natural resource damage by addressing the types of uses, not the number of users, which is limited by available parking. If this approach is unsuccessful, limiting the number of users could be considered.

Comment: Need more officers to enforce the regulations.

Response: The Department is working with other agencies including the State Police, New York City Department of Environmental Protection, and Ulster County to assist with law enforcement in the valley.

Comment: Hiking trailhead parking is not useable due to Blue Hole visitors filling it up.

Response: The trailhead parking lot is available to people accessing the forest preserve for a variety of public uses, including hiking, hunting, backpacking, fishing and picnicking.

Comment: What are the results of water samples taken downstream of the Blue Hole?

Response: Water quality samples have not shown adverse impacts to water quality.

Comment: Can New York City Department of Environmental Protection close the road to protect the drinking water supply?

Response: No.

Comment: No cell service delays emergency response.

Response: The Department does not provide cell service, but we recognize this problem and are working to improve radio reception for emergency response.

Comment: Prohibit diving or swinging from a rope in the Blue Hole.

Response: The Department prohibits rope swings and removes them when found.

Comment: Any progress on a radio repeater?

Response: Yes, we are working to develop a repeater on private land that will improve radio reception for law enforcement and emergency response organizations.

Comment: Prohibit shooting.

Response: Hunting with a firearm is allowed on state forest preserve lands consistent with all laws and rules and regulations.

Comment: Get people off the road.

Response: The Department is considering the construction of a pedestrian trail from the trailhead parking lot to the Blue Hole Kiosk to reduce pedestrian use of the road. This proposal will be included in the Sundown Wild Forest Unit Management Plan revision.

Comment: Bear-proof dumpsters and outhouses are needed.

Response: The Department has made arrangements for a bear-proof dumpster and a port-a-john at the Blue Hole from Memorial Day through Columbus Day weekends.

Subject: Inspecting, Securing and Maintaining Vacant and Abandoned Residential Real Property.

Purpose: To implement the requirements imposed by the recent additions to the Real Property Actions and Proceedings Law.

Substance of proposed rule (Full text is posted at the following State website: www.dfs.ny.gov): Part Q of Chapter 73 of the Laws of 2016 enacted two new sections to the Real Property Actions and Proceedings Law ("RPAPL"), 1308 and 1310, which impose requirements on certain persons to maintain vacant and abandoned residential real property in New York and to report vacant and abandoned properties to the New York State Department of Financial Services (the "Department"), and authorizes the Department to promulgate regulations to implement the new requirements. The following sections are added as part of the proposed regulation to implement RPAPL Section 1308 and 1310:

Section 422.1, the preamble, explains that the proposed regulation implements RPAPL Sections 1308 and 1310.

Section 422.2, defines common terms used throughout the proposed regulation.

Section 422.3, explains how covered persons are to assess whether they qualify for the exemption provided for in RPAPL Section 1308.

Section 422.4, explains how covered persons are to satisfy the vacant and abandoned property reporting requirements imposed by RPAPL Section 1310.

Section 422.5, sets forth what information covered persons will provide to the Department on a quarterly basis evidencing the satisfaction of the maintenance requirements imposed by RPAPL Section 1308.

Section 422.6, clarifies that the RPAPL Section 1310 reporting requirements apply to mortgagees and mortgage loan servicers for every vacant and abandoned property in New York, but that only one report needs to be filed for each vacant and abandoned property.

Section 422.7, explains how the Department interprets and will apply the language in RPAPL 1308(10) relating to federal law, court orders and investor guidelines.

Section 422.8, states that the information maintained in the vacant and abandoned property database will be maintained confidentially in accordance with the requirements of RPAPL 1310(1), and explains the process that the Department will follow in deciding whether to release information from the database.

Section 422.9, states that the proposed regulation will be enforced in accordance with the provisions of the RPAPL, the Financial Services Law and the Banking Law.

Section 422.10, sets the effective date of the proposed regulation as December 20, 2016.

Text of proposed rule and any required statements and analyses may be obtained from: Celeste Koeleveld, New York State Department of Financial Services, One State Street, New York, NY 10004, (212) 709-1663, email: Celeste.Koeleveld@DFS.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.

Part Q of Chapter 73 of the Laws of 2016 enacted two new sections of the Real Property Actions and Proceedings Law ("RPAPL"), 1308 and 1310, which impose requirements on certain persons to maintain vacant and abandoned residential real property in New York and to report vacant and abandoned properties to the New York State Department of Financial Services (the "Department"), and authorizes the Department to promulgate regulations to implement the new requirements.

In addition, RPAPL Section 1306 requires that lenders, assignees and mortgage loan servicers file a notice with the Department before commencing a foreclosure proceeding in New York.

2. Legislative Objectives.

The Legislature added Sections 1308 and 1310 to the RPAPL to address the vacant and abandoned property problems facing New York. These properties create health and safety concerns for the communities in which they are located, drag down property values in the neighborhood and may be subject to criminal activity. The new RPAPL sections address these issues by requiring that all vacant and abandoned properties be reported to a database maintained by the Department and imposing requirements on certain persons to inspect, secure and maintain vacant and abandoned properties.

3. Needs and Benefits.

The proposed regulation explains the process that will be used to identify the state or federally chartered banks, savings banks, savings and loan associations, or credit unions subject to the requirements of Section 1308; the reports that persons subject to the requirements of Section 1308 will have to submit to the Department regarding delinquent loans on residential real property and efforts to inspect, secure, maintain and foreclose

Department of Financial Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Inspecting, Securing and Maintaining Vacant and Abandoned Residential Real Property

I.D. No. DFS-41-16-00006-P

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

Proposed Action: Addition of Part 422 to Title 3 NYCRR.

Statutory authority: Real Property Actions and Proceedings Law, sections 1306, 1308 and 1310

on those properties; and the application of federal law and investor guidelines under Section 1308(10). In addition, the proposed regulation explains the process to be followed by covered persons in reporting vacant and abandoned properties to the Department and the procedures to be followed in the event that the Superintendent of Financial Services determines, in the exercise of her sole discretion, to release confidential information concerning vacant and abandoned properties.

4. Costs.

The proposed regulation imposes no costs beyond those already contemplated by RPAPL Sections 1308 and 1310.

5. Local Government Mandates.

The proposed regulation does not impose any new programs, services, duties or responsibilities on local government.

6. Paperwork.

The proposed regulation identifies the information that mortgagees and mortgage loan servicers are required to provide to the Department, as contemplated by RPAPL Sections 1308 and 1310.

7. Duplication.

There is no duplication, overlap or conflict with State or Federal regulations.

8. Alternatives.

The Department is not aware of any alternatives to the proposed rule.

9. Federal Standards.

The proposed regulation does not exceed any minimum standards of the Federal government. There are no relevant Federal standards related to this regulation.

10. Compliance Schedule.

The proposed rule will become applicable upon formal adoption.

Regulatory Flexibility Analysis

1. Effect of the Rule:

The proposed rule implements authority granted to the New York State Department of Financial Services (the "Department") in Sections 1308 and 1310 of the Real Property Actions and Proceedings Law ("RPAPL"), as enacted by Part Q of Chapter 73 of the Laws of 2016. The proposed regulation explains the process that will be used to identify the state or federally chartered banks, savings banks, savings and loan associations, or credit unions that are subject to the requirements of Section 1308; the reports that persons subject to the requirements of Section 1308 will have to submit to the Department regarding delinquent loans on residential real property and efforts to inspect, secure, maintain and foreclose on those properties; and the application of federal law and investor guidelines under Section 1308(10). In addition, the proposed regulation explains the process to be followed by covered persons in reporting vacant and abandoned properties to the Department and the procedures to be followed in the event that the Superintendent of Financial Services determines, in the exercise of her sole discretion, to release confidential information concerning vacant and abandoned properties.

The proposed rule does not have any impact on local governments.

2. Compliance Requirements:

The proposed rule implements the compliance requirements imposed by Sections 1308 and 1310 of the RPAPL and clarifies how covered persons are to comply with those legal provisions.

3. Professional Services:

To the extent a small business is affected by the addition of Sections 1308 and 1310 to the RPAPL, a small business will not need any professional services, beyond any that may be required by the RPAPL, to comply with the proposed rule.

4. Compliance Costs:

There are no compliance costs beyond the existing costs of complying with the requirements of the RPAPL.

5. Economic and Technological Feasibility:

Filing of vacant and abandoned property notifications involves common, everyday functions performed by covered persons.

6. Minimizing Adverse Impacts:

The proposed regulation does not impose a new regulatory requirement, but implements the requirements imposed by the addition of RPAPL Sections 1308 and 1310. The proposed regulation is not expected to impact small businesses.

7. Small Business and Local Government Participation:

This proposed regulation does not impact local governments.

Due to the limited amount of time before the effective date of the RPAPL Sections 1308 and 1310, the publication of the proposed regulation will be the first opportunity for small businesses to comment on the proposal. The proposed regulation is not expected to impact small businesses.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

While the regulation is expected to apply to residential real property located in rural areas, it is not expected to increase costs or otherwise have an adverse impact on private or public interests in rural areas.

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

The proposed regulation identifies the information that mortgagees and mortgage loan servicers are required to provide to the Department of Financial Services, as contemplated by Real Property Actions and Proceedings Law Sections ("RPAPL") Sections 1308 and 1310.

3. Costs:

The proposed regulation imposes no costs in addition to those already contemplated by RPAPL Sections 1308 and 1310.

4. Minimizing adverse impact:

The proposed regulation does not impose a new regulatory requirement, but implements the requirements imposed by the addition of RPAPL Sections 1308 and 1310.

5. Rural area participation:

Due to the limited amount of time before the effective date of the RPAPL Sections 1308 and 1310, the publication of the proposed regulation will be the first opportunity for private and public interests in rural areas to comment on the proposal.

Job Impact Statement

A Job Impact Statement for this proposed rule is not being submitted because it is apparent from the nature and purposes of the proposed rule that it will not have an adverse impact on jobs and/or employment opportunities.

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

Commercial Crime Coverage Exclusions

I.D. No. DFS-41-16-00012-P

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

Proposed Action: Addition of Part 76 (Regulation 209) to Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202 and 302; Insurance Law, sections 301, 2307 and arts. 23, 24 and 34

Subject: Commercial Crime Coverage Exclusions.

Purpose: To prohibit certain insurance exclusions for loss/damage caused by an employee previously convicted of criminal offense.

Text of proposed rule: Section 76.0 Preamble and purpose.

(a) Correction Law section 753 states that the public policy of New York, as expressed in Correction Law Article 23-A, is to encourage the licensure and employment of persons previously convicted of one or more criminal offenses. Section 752 of the Correction Law forbids discrimination based upon a conviction for a previous criminal offense unless there is a direct relationship between one or more of the previous offenses and the specific employment sought or held by the individual; or the granting or continuation of employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. Section 753 of the Correction Law specifies eight factors, including the public policy of the state, to be considered in making a determination pursuant to section 752.

(b) However, commercial crime insurance policies often have provisions that will exclude coverage for loss or damage caused by an employee who has been convicted of a criminal offense, where the employer knew about the conviction prior to the loss or damage. This puts employers in the untenable position of either not being able to obtain insurance or violating the Correction Law by not hiring the individual, even though a review of the Correction Law factors would weigh in favor of employment. Given the strong public policy of the State, the Superintendent has determined that it would be an unfair method of competition or an unfair or deceptive act and practice in the conduct of the business of insurance in this state for an insurer that writes commercial crime insurance policies in this state to exclude coverage where the employer has weighed the factors set out in Correction Law Article 23-A and made a determination favorable to the employee.

Section 76.1 Definitions.

For purposes of this Part:

(a) Commercial crime coverage means coverage under a policy of commercial risk insurance that provides burglary and theft insurance or fidelity insurance; and

(b) Commercial risk insurance has the meaning ascribed by Insurance Law section 107(a)(47).

§ 76.2 Prior convictions.

No policy issued, renewed or delivered in this state that provides commercial crime coverage may exclude or limit coverage for loss or damage caused by an employee if:

(a) the employee was convicted of one or more criminal offenses in this state or any other jurisdiction prior to being employed by the employer; and

(b) after learning about an employee's past criminal conviction or convictions, the employer made a determination to hire or retain the employee utilizing the factors set out in Correction Law Article 23-A.

§ 76.3 Determined violation.

A contravention of this Part shall be deemed to be an unfair method of competition or an unfair or deceptive act and practice in the conduct of the business of insurance in this state, and shall be deemed to be a trade practice constituting a determined violation, as defined in section 2402(c) of the Insurance Law, in violation of section 2403 of such law.

Text of proposed rule and any required statements and analyses may be obtained from: Celeste Koeleveld, NYS Department of Financial Services, One State Street, New York, NY 10004, (212) 709-1640, email: Celeste.Koeleveld@dfs.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: Sections 202 and 302 of the Financial Services Law and Sections 301 and 2307 and Articles 23, 24 and 34 of the Insurance Law. Financial Services Law Sections 202 and 302 and Insurance Law Section 301 authorize the Superintendent of Financial Services (the "Superintendent") to prescribe regulations interpreting the provisions of the Insurance Law and to effectuate any power granted to the Superintendent under the Insurance Law.

Insurance Law Section 2307 sets forth the requirement that property/casualty insurance policies shall not be misleading or violative of public policy. Articles 23 (Property/Casualty Insurance Rates) and 34 (Insurance Contracts-Property/Casualty) are the general articles applicable to most property/casualty insurance policies. Article 24 prohibits any insurer from engaging in unfair methods of competition or unfair and deceptive acts or practices.

2. Legislative objectives: Correction Law section 753 states that the public policy of New York, as expressed in Correction Law Article 23 -A, is to encourage the licensure and employment of persons previously convicted of one or more criminal offenses. The law forbids discrimination based upon a conviction for a previous criminal offense unless there is a direct relationship between one or more of the previous offenses and the specific employment sought or held by the individual; or the granting or continuation of employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. Section 753 of the Correction Law specifies eight factors, including the public policy of the state, to be considered in making a determination pursuant to section 752.

However, commercial crime insurance policies often have provisions that will exclude coverage for loss or damage caused by an employee who has been convicted of a criminal offense, where the employer knew about the conviction prior to the loss or damage. This puts employers in the untenable position of either not being able to obtain insurance or violating the Correction Law by not hiring the individual, even though a review of the Correction Law factors would weigh in favor of employment. Given the strong public policy of the State, the Superintendent has determined that it would be an unfair method of competition or an unfair or deceptive act and practice in the conduct of the business of insurance in this state for an insurer that writes commercial crime insurance policies in this state to exclude coverage where the employer has weighed the factors and made a determination favorable to the employee.

3. Needs and benefits: This rule will prohibit an insurer that writes a commercial crime insurance policy from excluding coverage for loss or damage caused by an employee who has been convicted of one or more criminal offenses in this state or any other jurisdiction prior to being employed by the employer, provided that, after learning about the employee's past criminal conviction or convictions, the employer made a determination to hire or retain the employee utilizing the factors set out in Correction Law Article 23-A. This requirement will further the public policy of New York as stated in Correction Law Article 23-A. Because the employer would have to make a determination utilizing the statutory factors, the risk to insurers should be mitigated. The Department is not aware of any data that would indicate that an employee with a criminal history who has undergone a background check consistent with Article 23-A is any more of an insurance risk than an employee without such a criminal history. These factors include the specific duties and responsibilities necessarily related to the employment sought; the bearing, if any, the offense or offenses will have on the person's ability to perform these duties; the time that has elapsed since the time of the offense; the age of the person at the time of the offense, the seriousness of the offense, information about the person's rehabilitation and good conduct; and the legitimate interest of the employer in protecting property and safety.

4. Costs: Insurers that write commercial crime insurance will incur some one-time costs to revise their policy forms and, where the forms have to be filed with the Superintendent, to refile those forms with the Superintendent.

This rule does not impose compliance costs on state or local governments. The Department of Financial Services does not anticipate that it will incur additional costs, although there will be an increased number of filings.

5. Local government mandates: This rule does not impose any program, service, duty or responsibility upon a city, town, village, school district or fire district.

6. Paperwork: Insurance companies will have to submit appropriate filings.

7. Duplication: This rule will not duplicate any existing state or federal rule.

8. Alternatives: One alternative would be to continue to allow insurers to exclude the coverage. However, it is unacceptable not to protect employers against losses when they are complying with the strong public policy of the State in hiring individuals who have been convicted of criminal offenses. Another alternative would be simply to prohibit insurers from excluding coverage, regardless of whether the employer considered the Article 23-A factors. However, that would impose a greater risk on insurers than would be necessary to implement the State's public policy mandate.

9. Federal standards: There are no federal standards.

10. Compliance schedule: The rule would be effective 90 days after publication in the State Register with respect to all policies issued, renewed or delivered in this State on or after that date. This should give insurers sufficient time to revise their policy forms and to make appropriate policy form filings with the Superintendent.

Regulatory Flexibility Analysis

1. Effect of rule: This rule will prohibit a property/casualty insurer that writes a commercial crime insurance policy from excluding coverage for loss or damage caused by an employee who has been convicted of one or more criminal offenses in this state or any other jurisdiction prior to being employed by the employer, provided that, after learning about the employee's past criminal conviction or convictions, the employer made a determination to hire or retain the employee utilizing the factors set out in Correction Law Article 23-A.

Property/casualty insurers generally do not fall within the definition of a "small business" as defined by the State Administrative Procedure Act § 102(8), because in general they are not independently owned and do not have fewer than 100 employees.

Industry has asserted in the past that certain domestic insurers, in particular co-op insurers and mutual insurers, subject to the rule are small businesses. The Department does not readily know whether any insurer that may be a small business is in fact writing commercial crime insurance.

2. Compliance requirements: A local government will not have to undertake any reporting, recordkeeping, or other affirmative acts to comply with the rule since the rule does not apply to a local government. However, an insurer that may be a small business will need to revise its commercial crime insurance policy forms if it is currently writing such coverage.

3. Professional services: A local government will not need any professional services to comply with this rule since the rule does not apply to a local government. It is not anticipated that an insurer that may be a small business will need to utilize any professional services that it does not already utilize in preparing policy forms and rate filings.

4. Compliance costs: A local government will not incur any costs to comply with this rule since the rule does not apply to a local government. An insurer that writes commercial crime insurance will incur some one-time costs to revise its policy forms and, where the forms have to be filed with the Superintendent, to refile those forms with the Superintendent. The costs are expected to be minimal because insurers routinely make policy form and rate filings.

5. Economic and technological feasibility: Economic and technological feasibility is no concern for local governments because the rule does not apply to local governments. An insurer that has to make a rate or form filing in response to this rule would do so by the same method and manner that it already makes rate and form filings, so there should be no issue regarding the economic or technological feasibility of the rule.

6. Minimizing adverse impact: There will not be an adverse impact on a local government since the rule does not apply to a local government. While an insurer would have to provide coverage to an employer for acts of employees that are currently being excluded from coverage, the Department does not anticipate any adverse impact on insurers. The Department is not aware of any data that would indicate that an employee with a criminal history who has undergone a background check consistent with Article 23-A is any more of an insurance risk than an employee without such a criminal history. These factors include the specific duties and responsibil-

ities necessarily related to the employment sought; the bearing, if any, the offense or offenses will have on the person’s ability to perform these duties; the time that has elapsed since the time of the offense; the age of the person at the time of the offense, the seriousness of the offense, information about the person’s rehabilitation and good conduct; and the legitimate interest of the employer in protecting property and safety.

7. Small business and local government participation. The Department has sent the draft proposal to industry trade groups and is awaiting feedback from those groups, including from any insurers in rural areas. In addition, those insurers will have an opportunity to participate in the rule making process when the proposed rule is published in the State Register and posted on the Department’s website.

Rural Area Flexibility Analysis

The Department of Financial Services (“Department”) finds that this rule does not impose any additional burden on persons located in rural areas, and will not have an adverse impact on rural areas. This rule applies uniformly to regulated parties that do business in both rural and non-rural areas of New York State.

Rural area participation: The Department has sent the draft proposal to industry trade groups and is awaiting feedback from those groups, including from any insurers in rural areas. In addition, those insurers will have an opportunity to participate in the rule making process when the proposed rule is published in the State Register and posted on the Department’s website.

Job Impact Statement

The Department of Financial Services finds that this rule should not have any negative impact on jobs and employment opportunities. The rule simply requires property/casualty insurers that write commercial crime insurance policies to provide coverage for loss or damage caused by an employee who has been convicted of one or more criminal offenses in this state or any other jurisdiction (prior to being employed by the employer), provided that, after learning about the employee’s past criminal conviction or convictions, the employer made a determination to hire or retain the employee utilizing the factors set out in Correction Law Article 23-A. If anything, the rule may make the policies more desirable to insureds and may increase the likelihood that they would purchase the coverage.

not required to be licensed or registered. Section 5307.5 clarifies the forms required for licensing of casino vendor enterprises or ancillary casino vendor enterprises, the standards applicable to such licensing, the forms required for registration of employees of vendor registrants and the standards applicable to such employee registrants.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 5303.17 and Parts 5305 and 5306.

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, Acting Secretary, New York State Gaming Commission, One Broadway Center, 6th Fl., Schenectady, NY 12305, (518) 388-3407, email: gamingrules@gaming.ny.gov

Revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement The Commission removed section 5303.17 as a nonsubstantive change. Additionally, the amendments to Parts 5305 through 5306 are no longer set forth for adoption. These changes do not necessitate a revision to the previously published RIS, RFA, RAFA and JIS statements.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2019, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The Gaming Commission received comments from one entity, Duane Morris LLP on behalf of Tioga Downs Racetrack LLC, in regard to this proposed rulemaking. The Commission has considered each of the comments received and decided that no changes were appropriate at this time. In particular:

1. Proposed Rule 5303.14(a)(4). The commentator proposed the addition of language “or the interpretation of such statutory or regulatory provision is subsequently modified by the commission.” The Commission disagrees and declines to add the proposed language.

New York State Gaming Commission

NOTICE OF ADOPTION

Licensing and Registration of Gaming Facility Employees and Vendors

I.D. No. SGC-32-16-00001-A

Filing No. 898

Filing Date: 2016-09-27

Effective Date: 2016-10-12

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

Action taken: Amendment of Parts 5303, 5304 and 5307 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1307(1), (2), 1322, 1323, 1324, 1325, 1326 and 1327

Subject: Licensing and registration of gaming facility employees and vendors.

Purpose: To govern the licensing and registration of gaming facility employees and vendors.

Substance of final rule: The proposed amendments to Parts 5303 through 5304 and 5307 of Subtitle T of Title 9 NYCRR clarifies the licensing and registration process required by the New York Gaming Commission (“Commission”) for gaming facility employees and vendors.

Section 5303.9 clarifies the Commission’s expectations in regard to updating a submitted application. Section 5303.15 (renumbered as section 5303.14) specifies the process and circumstances under which an applicant who has been denied a license or registration, or a licensee or registrant whose license or registration has been revoked, may re-apply for a new license or registration. Section 5307.2 revises language to allow for more entities to be categorized as vendor registrants rather than ancillary casino vendor enterprises. Section 5307.3 designates groups of vendors who are

Department of Health

EMERGENCY/PROPOSED

RULE MAKING

NO HEARING(S) SCHEDULED

Residential Health Care Facility Quality Pool

I.D. No. HLT-41-16-00002-EP

Filing No. 893

Filing Date: 2016-09-21

Effective Date: 2016-09-21

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

Proposed Action: Addition of section 86-2.42 to Title 10 NYCRR.

Statutory authority: Public Health Law, section 2808(2-c)(d)

Finding of necessity for emergency rule: Preservation of public health.

Specific reasons underlying the finding of necessity: Public Health Law Section 2808(2-c)(d), as enacted by Section 95 of Part H of Chapter 59 of the Laws of 2011, specifically provides the Commissioner of Health with authority to issue emergency regulations in order to compute rates of payment for residential health care facilities. These regulations should be made effective immediately to ensure the preservation of public health through the continued quality of care to nursing home residents in New York State. Of the nursing facilities included in the 2013 quality pool, 58% met performance goals sufficient to receive a distribution of the \$50 million pool. The immediate implementation of these regulations will result in a Medicaid rate increase for these nursing facilities. The facilities can use the additional funds to facilitate quality improvements through activities including, but not limited to, increasing direct care staffing levels, providing training and education for staff, and utilizing technology. Delaying the implementation of these regulations by following the traditional SAPA procedure would prevent nursing facilities from immediately using the funds to improve quality of care for their residents, and thus contrary to public interest.

Subject: Residential Health Care Facility Quality Pool.

Purpose: To reward NYS facilities with the highest quality outcomes as determined by methodology developed by regulation.

Substance of emergency/proposed rule (Full text is posted at the following State website: www.health.ny.gov): The New York State Nursing Home Quality Pool (NHQP) is a \$50 million budget-neutral pool that was established in the 2010-2011 final State budget. The pool was created to improve the quality of care for residents in Medicaid-certified nursing facilities across the state, and to reward facilities for quality based on their performance. The New York State Department of Health (NYS DOH) worked in consultation with a workgroup of industry experts, comprised of representatives from five nursing home advocacy groups, as well as nursing home patient advocates to assist in the development of the quality pool.

The 2013 NHQP contains three measurement components comprised of 14 quality measures, three compliance measures, and one efficiency measure. All measures are shown below with the measure steward in parentheses. The measures included in the quality pool were decided upon with input and advice from the workgroup based on expert opinions, industry standards, and quality measure outcomes being assessed at the national level.

Quality Measures

- Annual level of temporary contract/agency staff used (NYS DOH)
- Centers for Medicare and Medicaid Services (CMS) five-star quality rating for staffing (CMS)
- Percent of employees vaccinated for the flu (NYS DOH)
- Percent of long stay high risk residents with pressure ulcers (CMS)
- Percent of long stay residents assessed and given, appropriately, the pneumococcal vaccine (CMS)
- Percent of long stay residents assessed and given, appropriately, the seasonal influenza vaccine (CMS)
- Percent of long stay residents experiencing one or more falls with major injury (CMS)
- Percent of long stay residents who have depressive symptoms (CMS)
- Percent of long stay low risk residents who lose control of their bowel or bladder (CMS)
- Percent of long stay residents who lose too much weight (CMS)
- Percent of long stay residents who received an antipsychotic medication (CMS)
- Percent of long stay residents who self-report moderate to severe pain (CMS)
- Percent of long stay residents whose need for help with daily activities has increased (CMS)
- Percent of long stay residents with a urinary tract infection (CMS)
- Compliance Measures
- CMS Five-Star Quality Rating for Health Inspections (CMS)
- Timely submission of complete nursing home certified cost reports (NYS DOH)
- Timely submission of employee flu immunization data (NYS DOH)
- Efficiency Measure
- Number of potentially avoidable hospitalizations per 10,000 long stay episode days (CMS with NYS DOH modifications)

The NYS DOH assesses the nursing homes on their performance in all components of the NHQP, as compared to their peers. Nursing homes are categorized into quintiles based on the distribution of their overall scores. Under the payment methodology of the 2013 NHQP, eligible nursing homes contribute to the funding of the \$50 million pool. The amount of a nursing home's contribution is proportional to the nursing home's Medicaid rate and total number of Medicaid patient days. The pool money is redistributed to the nursing homes based on their quintile placement. Nursing homes in the top three quintiles receive distributions, with nursing homes in the first quintile receiving a proportion larger than nursing homes in the second and third quintiles, and nursing homes in the second quintile receiving a proportion larger than nursing homes in the third quintile. The nursing homes in the fourth and fifth quintiles do not receive a redistribution.

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 December 19, 2016.

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

Statutory Authority:

The statutory authority for this regulation is contained in Section 2808(2-c) of the Public Health Law (PHL) as enacted by Section 95 of Chapter 59 of the Laws of 2011, which authorizes the Commissioner to promulgate regulations, including emergency regulations, with regard to

Medicaid reimbursement rates for residential health care facilities. Such rate regulations are set forth in Subpart 86-2 of Title 10 (Health) of the Official Compilation of Codes, Rules, and Regulations of the State of New York.

Legislative Objectives:

Subpart 86-2 of Title 10 will be amended by adding a new section 86-2.42 to provide for the creation of a quality incentive pool intended to improve the quality of care among nursing home residents in Medicaid-certified facilities, and to reward facilities based on their performance compared to their peers.

The proposed regulation permits the Commissioner to establish benchmarks and measures toward achievement of raising overall quality. Failure to achieve satisfactory progress in accomplishing such benchmarks and goals, as determined by the Commissioner, shall be a basis for declining to award quality incentive dollars to a facility.

Needs and Benefits:

The quality pool is needed to incentivize nursing facilities to maintain and improve the quality of care for their residents. The benefits of the quality pool include improving quality of care and, in turn, reducing overall health care costs. Specific benefits that fall under the umbrella of improving quality of care include reducing the percent of residents with pressure ulcers, reducing antipsychotic medication use, reducing urinary tract infections, reducing depression, reducing pain, reducing unnecessary weight loss, and reducing avoidable hospitalizations. These quality of care improvements are associated with reductions in health care costs and improved quality of life for nursing home residents. The additional reimbursement provided by this adjustment will support the intent of the quality pool. Facilities can use the additional funds to facilitate quality improvements through activities including, but not limited to, increasing direct care staffing levels, providing training and education for staff, and utilizing technology.

Costs:

Costs to Private Regulated Parties:

There will be no additional costs to private regulated parties. The only additional data requested from providers are standard periodic report which are already being completed by providers.

Costs to State Government:

There is no additional aggregate increase in Medicaid expenditures anticipated as a result of these regulations, as the cost of the temporary rate adjustment will be offset by the overall reduction in Medicaid.

Costs to Local Government:

Local districts' share of Medicaid costs is statutorily capped; therefore, there will be no additional costs to local governments as a result of this proposed regulation.

Costs to the Department of Health:

There will be no additional costs to the Department of Health as a result of this proposed regulation.

Local Government Mandates:

The proposed regulation does not impose any new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district.

Paperwork:

The proposed regulation does not have any paperwork requirements for nursing facilities.

Duplication:

This is an amendment to an existing State regulation and does not duplicate any existing federal, state or local regulations.

Alternatives:

The authorizing statute, PHL Section 2808(2-c), specifically provides for facilitating quality improvements through the establishment of a nursing home quality pool. Therefore no alternatives were considered. The Department of Health worked in consultation with a workgroup of industry experts, comprised of representatives from five nursing home advocacy groups, as well as nursing home patient advocates to assist in the development of the quality pool. The quality measures included in the quality pool were decided upon with input and advice from the workgroup based on expert opinions, industry standards, available data, and quality measure outcomes being assessed at the national level. During development, the workgroup also provided input on the scoring methods of such quality measure outcomes.

Federal Standards:

The proposed regulation does not exceed any minimum standards of the federal government for the same or similar subject area.

Compliance Schedule:

This rule does not create new compliance or reporting requirements for nursing facilities in New York State.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is required pursuant to section 202-(b)(3)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse economic impact on small businesses or

local governments, and it does not impose reporting, record keeping or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis

No rural area flexibility analysis is required pursuant to section 202-bb(4)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse impact on facilities in rural areas, and it does not impose reporting, record keeping or other compliance requirements on facilities in rural areas. The New York State Nursing Home Quality Pool places no additional reporting requirements on any nursing facility or locality. The data used in the calculation of the quality pool resulting and per diem adjustments are culled from existing data sources including the nursing home cost report (RHCF-4, RHCF-2), data from the DOH Bureau of Immunization, Statewide Planning and Research Cooperative System data, and data from the Centers for Medicare and Medicaid Services.

Job Impact Statement

A Job Impact Statement is not required pursuant to Section 201-a(2)(a) of the State Administrative Procedure Act. It is apparent, from the nature and purpose of the proposed rule, that it will not have a substantial adverse impact on jobs or employment opportunities. The proposed regulation has no implications for job opportunities.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Compounded Trend to Cost of Living Adjustments (COLAs) for Direct Care Workers

I.D. No. HLT-41-16-00005-P

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

Proposed Action: This is a consensus rule making to amend Subpart 86-10 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 201; Mental Hygiene Law, section 43.02; L. 2014, ch. 60, part I, section 2

Subject: Compounded Trend to Cost of Living Adjustments (COLAs) for Direct Care Workers.

Purpose: To update the methodology to reflect a compounded cost of living adjustment and to remove a superfluous component.

Text of proposed rule: Subparagraph (xi) of paragraph (1) of subdivision (c) of Section 86-10.3 is amended to read as follows:

(xi) Provider average general and administrative component, which shall mean the sum of insurance-general and agency administration allocation for the base year for a provider, such sum to be divided by (the sum of total program/site costs and other than to/from transportation allocation less the sum of food, repairs and maintenance, utilities, expensed equipment, household supplies, telephone, lease/rental equipment, depreciation equipment, [insurance – property and casualty,] total property-provider paid, housekeeping and maintenance staff, salaried clinical dollars, and contracted clinical dollars for the base year for a provider). The provider average direct care hourly rate-excluding general and administrative, as computed in subparagraph (x) of this paragraph, shall then be divided by (one minus the applicable provider average general and administrative quotient), from which the provider average direct care wage hourly rate-excluding general and administrative, as computed in subparagraph (x) of this paragraph, shall be subtracted.

Subparagraph (xi) of paragraph (1) of subdivision (d) of Section 86-10.3 is amended to read as follows:

(xi) Provider average general and administrative component, which shall mean the sum of insurance-general and agency administration allocation for the base year for a provider, such sum to be divided by (the sum of total program/site costs and other than to/from transportation allocation less the sum of food, repairs and maintenance, utilities, expensed equipment, household supplies, telephone, lease/rental equipment, depreciation equipment, [insurance – property and casualty,] total property-provider paid, housekeeping and maintenance staff, salaried clinical dollars, and contracted clinical dollars for the base year for a provider). The provider average direct care hourly rate-excluding general and administrative, as computed in subparagraph (x) of this paragraph, shall then be divided by (one minus the applicable provider average general and administrative quotient), from which the provider average direct care wage hourly rate-excluding general and administrative, as computed in subparagraph (x) of this paragraph, shall be subtracted.

Subparagraph (xi) of paragraph (1) of subdivision (e) of Section 86-10.3 is amended to read as follows:

(xi) Provider average general and administrative component, which shall mean the sum of insurance-general and agency administration allocation for the base year for a provider, such sum to be divided by (the sum of total program/site costs and other than to/from transportation allocation less the sum of food, repairs and maintenance, utilities, expensed equipment, household supplies, telephone, lease/rental equipment, depreciation equipment, [insurance – property and casualty,] total property-provider paid, housekeeping and maintenance staff, salaried clinical dollars, and contracted clinical dollars for the base year for a provider). The provider average direct care hourly rate-excluding general and administrative, as computed in subparagraph (x) of this paragraph, shall then be divided by (one minus the applicable provider average general and administrative quotient), from which the provider average direct care wage hourly rate-excluding general and administrative, as computed in subparagraph (x) of this paragraph, shall be subtracted.

Subparagraph (ii) of paragraph (3) of subdivision (b) of Section 86-10.5 is amended to read as follows:

(ii) April 1, 2015 increase. In addition to the compensation funding effective January 1, 2015, providers that operate supervised IRAs, including supervised community residences, supportive IRAs, including supportive community residences, and group day habilitation will receive a compensation increase targeted to direct support professional and clinical employees to be effective April 1, 2015. The compensation increase funding will be inclusive of associated fringe benefits. The April 1, 2015 direct support professionals compensation funding will be [the same, on an annualized basis, as that] *compounded on the amount* which was calculated for the January 1, 2015 compensation increase and will be an augmentation to the January 1, 2015 increase.

Paragraph (d) of Section 86-10.8 is amended to read as follows:

(d) April 1, 2015 increase. In addition to compensation funding effective January 1, 2015, the fees for specialized template population funding will be revised to incorporate funding for a compensation increase to direct support professional and clinical employees to be effective April 1, 2015. The April 1, 2015 direct support compensation funding will be [the same, on an annualized basis, as that] *compounded on the amount* which was calculated for the January 1, 2015 compensation increase and will be an augmentation to the January 1, 2015 increase.

Text of 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: regsqa@health.ny.gov

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

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

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

Consensus Rule Making Determination

Statutory Authority:

Public Health Law Section 201, Mental Hygiene Law Section 43.02 and Section 2 of Part I of Chapter 60 of the Laws of 2014.

Basis:

There are two types of technical amendments proposed. The first amendment, to various subdivisions of 10 NYCRR Part 86-10.3 removes the insurance-property and casualty subcomponent from the Provider Average General and Administrative component. The removal of the insurance-property and casualty subcomponent does not impact provider reimbursement, as the amounts intended to be reimbursed by such subcomponent are in fact reimbursed by other subcomponents within the Provider Average General and Administrative component. The inclusion of the insurance-property and casualty subcomponent within the Provider Average General and Administrative component was an error and has never been reimbursed.

The second amendment, made to 10 NYCRR Part 86-10.5 and 10 NYCRR Part 86-10.8 are clarifications that the two percent cost of living adjustment mandated by Section 2 of Part I of Chapter 60 of the Laws of 2014 are to be compounded annually. The compounding of such cost of living adjustment is mandated by such statute.

Job Impact Statement

No Job Impact Statement is required pursuant to section 201 a(2)(a) of the State Administrative Procedure Act. It is apparent, from the nature of the proposed amendment, that it will not have a substantial adverse impact on jobs and employment opportunities.

Long Island Power Authority

NOTICE OF ADOPTION

Handling of Certain Responsibilities Regarding Rehearings of Customer Complaints and Shared Meter Determinations

I.D. No. LPA-19-16-00015-A

Filing Date: 2016-09-27

Effective Date: 2016-10-01

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

Action taken: The Long Island Power Authority adopted a proposal to modify its Tariff for Electric Service to transfer certain responsibilities regarding handling of customer complaints to the Long Island Office of the Department of Public Service.

Statutory authority: Public Authorities Law, section 1020-f(z) and (u)

Subject: Handling of certain responsibilities regarding rehearings of customer complaints and shared meter determinations.

Purpose: To transfer certain responsibilities regarding customer complaints to the Long Island Office of the Department of Public Service.

Text or summary was published in the May 11, 2016 issue of the Register, I.D. No. LPA-19-16-00015-P.

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

Text of rule and any required statements and analyses may be obtained from: Justin Bell, Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY 11553, (516) 222-7700, email: jbell@lipower.org

Revised Regulatory Impact Statement

A revised regulatory impact statement 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.

Revised Regulatory Flexibility Analysis

A revised regulatory flexibility analysis 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.

Revised Rural Area Flexibility Analysis

A revised rural area flexibility analysis 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.

Revised Job Impact Statement

A revised job impact statement 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.

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.

NOTICE OF ADOPTION

Modifications to the Authority's Tariff for Electric Service

I.D. No. LPA-20-16-00001-A

Filing Date: 2016-09-27

Effective Date: 2016-10-01

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

Action taken: The Long Island Power Authority adopted a proposal to modify its Tariff for Electric Service to establish a Commercial Solar Feed-In Tariff and a Fuel Cell Feed-In Tariff.

Statutory authority: Public Authorities Law, section 1020-f(z), (u) and (gg)

Subject: Modifications to the Authority's Tariff for Electric Service.

Purpose: To establish a Commercial Solar Feed-In Tariff and a Fuel Cell Feed-In Tariff.

Substance of final rule: The Long Island Power Authority Staff proposes to modify the Tariff for Electric Service, effective October 1, 2016, to au-

thorize an additional Commercial Solar Feed-In Tariff for up to 20 MW and an additional Fuel Cell Feed-In Tariff for up to 40 MW, at prices to be set by competitive auctions.

Final rule as compared with last published rule: Nonsubstantive changes were made in Leaf 16 and Leaves 2551-V.

Text of rule and any required statements and analyses may be obtained from: Justin Bell, Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY 11553, (516) 222-7700, email: jbell@lipower.org

Revised Regulatory Impact Statement

A revised regulatory impact statement 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.

Revised Regulatory Flexibility Analysis

A revised regulatory flexibility analysis 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.

Revised Rural Area Flexibility Analysis

A revised rural area flexibility analysis 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.

Revised Job Impact Statement

A revised job impact statement 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.

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 HEARING(S) SCHEDULED

PSEG Long Island's Balanced Billing Program

I.D. No. LPA-41-16-00007-P

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

Proposed Action: The Long Island Power Authority ("the Authority") Staff proposes to modify the Tariff for Electric Service effective January 1, 2017 to implement improvements to PSEG Long Island's balanced billing program.

Statutory authority: Public Authorities Law, section 1020-f(u) and (z)

Subject: PSEG Long Island's balanced billing program.

Purpose: To implement improvements to the balanced billing program.

Public hearing(s) will be held at: 10:00 a.m., Nov. 28, 2016 at H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY; and 2:00 p.m., Nov. 28, 2016 at 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule: The Long Island Power Authority Staff proposes to modify the Tariff for Electric Service effective January 1, 2017 to update the existing balanced billing program in order to (1) reduce the frequency and magnitude of resets to customers' monthly balanced billing charges; (2) provide residential customers with the option to roll over annual reconciliation amounts; and (3) clarify eligibility for the program.

Text of proposed rule and any required statements and analyses may be obtained from: Justin Bell, Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY 11553, (516) 719-9886, email: jbell@lipower.org

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

Public comment will be received until: Five days after the last scheduled public hearing.

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.

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Authority's Power Supply Charge

I.D. No. LPA-41-16-00008-P

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

Proposed Action: The Long Island Power Authority is proposing to modify its Tariff for Electric Service effective January 1, 2017, to move certain capacity related power supply costs from base rates to the Authority's Power Supply Charge.

Statutory authority: Public Authorities Law, section 1020-f(u) and (z)

Subject: Authority's Power Supply Charge.

Purpose: To move certain capacity related power supply costs from base rates to the Authority's Power Supply Charge.

Public hearing(s) will be held at: 10:00 a.m., Nov. 28, 2016 at H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY; and 2:00 p.m., Nov. 28, 2016 at Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule: The Long Island Power Authority ("the Authority") Staff proposes to modify the Tariff for Electric Service effective January 1, 2017 to revise the Authority's Power Supply Charge (or Fuel and Purchased Power Cost Adjustment, or FPPCA) so as to move the charges related to the Power Supply Agreement ("PSA") with National Grid power plants that serve Long Island, LIPA's 18% ownership in the Nine Mile Point Unit 2 nuclear power plant, and payments in lieu of taxes on merchant power plants that serve Long Island from base rates into the Power Supply Charge. This change is revenue neutral as these costs are already charged in base rates at actual cost to customers. Staff also proposes to modify the Power Supply Charge to make clear that costs incurred under the Clean Energy Standard are recoverable in the Power Supply Charge.

Text of proposed rule and any required statements and analyses may be obtained from: Justin Bell, Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY 11553, (516) 719-9886, email: jbell@lipower.org

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

Public comment will be received until: Five days after the last scheduled public hearing.

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.

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Authority's Smart Grid Small Generator Interconnection Procedures

I.D. No. LPA-41-16-00009-P

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

Proposed Action: The Long Island Power Authority proposes to update the Authority's Smart Grid Small Generator Interconnection Procedures, which is an addendum to the Authority's Tariff, to reflect updates to the NY Standardized Interconnection Procedures.

Statutory authority: Public Authorities Law, section 1020-f(u) and (z)

Subject: Authority's Smart Grid Small Generator Interconnection Procedures.

Purpose: To update the Authority's Smart Grid Small Generator Interconnection Procedures.

Public hearing(s) will be held at: 10:00 a.m., Nov. 28, 2016 at H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY; and 2:00

p.m., Nov. 28, 2016 at Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule: The Long Island Power Authority Staff proposes to modify the PSEG-Long Island Smart Grid Small Generator Interconnection Procedures ("Smart Grid SGIP"), which is an addendum to the Tariff for Electric Service in order to reflect the March 2016 updates made to New York State Standardized Interconnection Requirements and Application Process for New Distributed Generators 5 MW or Less Connected in Parallel with Utility Distribution Systems ("SIR") and to provide for implementation of the Online Application Portal required by the SIR.

Text of proposed rule and any required statements and analyses may be obtained from: Justin Bell, Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY 11553, (516) 719-9886, email: jbell@lipower.org

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

Public comment will be received until: Five days after the last scheduled public hearing.

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.

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Authority's Revenue Decoupling Mechanism

I.D. No. LPA-41-16-00010-P

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

Proposed Action: The Long Island Power Authority Staff proposes to modify the Tariff for Electric Service effective January 1, 2017 to make revisions to the Revenue Decoupling Mechanism ("RDM") to change the RDM from a semi-annual to an annual rate resetting process.

Statutory authority: Public Authorities Law, section 1020-f(u) and (z)

Subject: Authority's Revenue Decoupling Mechanism.

Purpose: To change the RDM from a semi-annual to an annual rate resetting process.

Public hearing(s) will be held at: 10:00 a.m., Nov. 28, 2016 at H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY; and 2:00 p.m., Nov. 28, 2016 at Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule: The Long Island Power Authority ("the Authority") Staff proposes to modify the Tariff for Electric Service effective January 1, 2017 to make revisions to the Revenue Decoupling Mechanism ("RDM") to change the RDM from a semi-annual to an annual rate resetting process and to align the annual rate resets with the Authority's other annual rate changes on January 1.

Text of proposed rule and any required statements and analyses may be obtained from: Justin Bell, Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY 11553, (516) 719-9886, email: jbell@lipower.org

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

Public comment will be received until: Five days after the last scheduled public hearing.

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.

**PROPOSED RULE MAKING
HEARING(S) SCHEDULED**

Authority's Visual Benefits Assessment

I.D. No. LPA-41-16-00011-P

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

Proposed Action: The Long Island Power Authority is proposing to modify its Tariff for Electric Service effective January 1, 2017, to implement changes to its Visual Benefits Assessment to effectuate a settlement between the Authority and the Town of Southampton.

Statutory authority: Public Authorities Law, section 1020-f(u) and (z)

Subject: Authority's Visual Benefits Assessment.

Purpose: To effectuate a settlement between the Authority and the Town of Southampton regarding collection of arrears.

Public hearing(s) will be held at: 10:00 a.m., Nov. 28, 2016 at H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY; and 2:00 p.m., Nov. 28, 2016 at Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule: The Long Island Power Authority ("the Authority") Staff proposes to modify the Tariff for Electric Service effective January 1, 2017 to effectuate a settlement agreement between the Authority and the Town of Southampton regarding collection of arrears owed to the Authority pursuant to the Authority's Visual Benefits Assessment.

Text of proposed rule and any required statements and analyses may be obtained from: Justin Bell, Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY 11553, (516) 719-9886, email: jbell@lipower.org

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

Public comment will be received until: Five days after the last scheduled public hearing.

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.

**Office of Parks, Recreation and
Historic Preservation**

NOTICE OF ADOPTION

Criteria Enabling Municipal Law Enforcement Agencies to Receive State Aid for Snowmobile Enforcement Duties

I.D. No. PKR-28-16-00004-A

Filing No. 894

Filing Date: 2016-09-22

Effective Date: 2016-10-12

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

Action taken: Amendment of section 457.33(b) of Title 9 NYCRR.

Statutory authority: Parks, Recreation and Historic Preservation Law, sections 3.09(8) and 25.01

Subject: Criteria enabling municipal law enforcement agencies to receive state aid for snowmobile enforcement duties.

Purpose: To promote local snowmobile enforcement by easing restrictions on state aid eligibility.

Text or summary was published in the July 13, 2016 issue of the Register, I.D. No. PKR-28-16-00004-P.

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

Text of rule and any required statements and analyses may be obtained from: Shari Calnero, Associate Counsel, Office of Parks, Recreation and Historic Preservation, 625 Broadway, Albany, NY 12238, (518) 486-2921, email: shari.calnero@parks.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.

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

**PROPOSED RULE MAKING
HEARING(S) SCHEDULED**

Rates for the Sale of Power and Energy

I.D. No. PAS-41-16-00013-P

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

Proposed Action: Increase in the Fixed Costs Component of the Production Rates.

Statutory authority: Public Authorities Law, section 1005, 3rd undesignated paragraph and 1005(6)

Subject: Rates for the Sale of Power and Energy.

Purpose: To recover the Authority's Fixed Costs.

Public hearing(s) will be held at: 11:00 a.m., Nov. 17, 2016 at Power Authority of the State of New York, 123 Main St., White Plains, NY.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule: The Power Authority of the State of New York (the "Authority") proposes to increase the Fixed Costs component of the production rates for its New York City Governmental Customers. Under the proposal, the Authority will increase the Fixed Costs component of the production rates by \$16.6 million or 12.7% for the 2017 rate year when compared with the 2016 fixed costs. This increase is based on the Authority's Preliminary 2017 Cost-of-Service. The new production rates will become effective with the January 2017 billing period.

Text of proposed rule and any required statements and analyses may be obtained from: Karen Delince, Corporate Secretary, Power Authority of the State of New York, 123 Main Street, 11-P, White Plains, New York 10601, (914) 390-8085, email: secretarys.office@nypa.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.

**PROPOSED RULE MAKING
HEARING(S) SCHEDULED**

Rates for the Sale of Power and Energy

I.D. No. PAS-41-16-00014-P

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

Proposed Action: Increase in Production Rates.

Statutory authority: Public Authorities Law, section 1005, 3rd undesignated paragraph and 1005(6)

Subject: Rates for the Sale of Power and Energy.

Purpose: To align rates and costs.

Public hearing(s) will be held at: 11:00 a.m., Nov. 17, 2016 at Power Authority of the State of New York, 123 Main St., White Plains, NY.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule: The Power Authority of the State of New York (the "Authority") proposes to increase the production rates for its Westchester County Governmental Customers. The Authority provides electricity to 103 customers in Westchester County, including the County of Westchester, school districts, housing authorities, cities, towns and villages. Under the proposal, the overall 2017 production rates will increase by 8.81% when compared with the 2016 rates. The increase, which is based on a pro forma Cost-of-Service for 2017, is largely due to expected increases in energy and capacity prices for electricity purchased from the New York Independent System Operator market to serve these customers. The new production rates will become effective with the January 2017 billing period.

Text of proposed rule and any required statements and analyses may be obtained from: Karen Delince, Corporate Secretary, Power Authority of the State of New York, 123 Main Street, 11-P, White Plains, New York 10601, (914) 390-8085, email: secretarys.office@nypa.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.

Public Service Commission

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-35-15-00010-A

Filing Date: 2016-09-22

Effective Date: 2016-09-22

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

Action taken: On 9/15/16, the PSC adopted an order approving 605 West 42nd Owner LLC's (605 West 42nd Owner) notice of intent to submeter electricity at 605 West 42nd 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: Submetering of electricity.

Purpose: To approve 605 West 42nd Owner's notice of intent to submeter electricity at 605 West 42nd Street, New York, New York.

Substance of final rule: The Commission, on September 15, 2016, adopted an order approving 605 West 42nd Owner LLC's notice of intent to submeter electricity at 605 West 42nd Street, New York, New York, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: 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-0463SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-39-15-00012-A

Filing Date: 2016-09-22

Effective Date: 2016-09-22

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

Action taken: On 9/15/16, the PSC adopted an order approving 47 East 34th Street (NY), L.P.'s (47 East 34th Street) petition to submeter electricity at 49 East 34th 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: Submetering of electricity.

Purpose: To approve 47 East 34th Street's petition to submeter electricity at 49 East 34th Street, New York, New York.

Substance of final rule: The Commission, on September 15, 2016, adopted an order approving 47 East 34th Street (NY), L.P.'s petition to submeter electricity at 49 East 34th Street, New York, New York, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: 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-0319SA1)

NOTICE OF ADOPTION

Petition for Amendments to Con Edison's SC No. 4—Backup/Supplementary Steam Service

I.D. No. PSC-42-15-00010-A

Filing Date: 2016-09-21

Effective Date: 2016-09-21

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

Action taken: On 9/15/16, the PSC adopted an order approving, in part, The Real Estate Board of New York (REBNY) and the City of New York's (NYC) petition for amendments to Con Edison's Service Classification (SC) No. 4—Backup/Supplementary Steam Service.

Statutory authority: Public Service Law, section 66

Subject: Petition for amendments to Con Edison's SC No. 4—Backup/Supplementary Steam Service.

Purpose: To approve a petition for amendments to Con Edison's SC No. 4—Backup/Supplementary Steam Service.

Substance of final rule: The Commission, on September 15, 2016, adopted an order approving, in part, The Real Estate Board of New York and the City of New York's petition for amendments to Consolidated Edison Company of New York, Inc.'s Service Classification (SC) No. 4—Backup/Supplementary Service, contained in P.S.C. No. 4—Steam, 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-S-0523SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-06-16-00008-A

Filing Date: 2016-09-22

Effective Date: 2016-09-22

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

Action taken: On 9/15/16, the PSC adopted an order approving 31 Lincoln Road Development LLC's (31 Lincoln Road) notice of intent to submeter electricity at 31-33 Lincoln Road, 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: Submetering of electricity.

Purpose: To approve 31 Lincoln Road's notice of intent to submeter electricity at 31-33 Lincoln Road, Brooklyn, New York.

Substance of final rule: The Commission, on September 15, 2016, adopted an order approving 31 Lincoln Road Development LLC's notice of intent to submeter electricity at 31-33 Lincoln Road, Brooklyn, New York, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: 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.

(16-E-0011SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-06-16-00015-A

Filing Date: 2016-09-22

Effective Date: 2016-09-22

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

Action taken: On 9/15/16, the PSC adopted an order approving 31 Lincoln Road Development LLC's (31 Lincoln Road) notice of intent to submeter electricity at 510 Flatbush Avenue, 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: Submetering of electricity.

Purpose: To approve 31 Lincoln Road's notice of intent to submeter electricity at 510 Flatbush Avenue, Brooklyn, New York.

Substance of final rule: The Commission, on September 15, 2016, adopted an order approving 31 Lincoln Road Development LLC's notice of intent to submeter electricity at 510 Flatbush Avenue, Brooklyn, New York, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: 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.

(16-E-0010SA1)

NOTICE OF ADOPTION

Amendments to the Retail Access Program Under SC No. 8, Contained in P.S.C. No. 1 — Gas

I.D. No. PSC-07-16-00017-A

Filing Date: 2016-09-21

Effective Date: 2016-09-21

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

Action taken: On 9/15/16, the PSC adopted an order approving KeySpan Gas East Corporation d/b/a National Grid Long Island's (KEDLI) amendments to the retail access program under Service Classification (SC) No. 8, contained in P.S.C. No. 1 — Gas.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Amendments to the retail access program under SC No. 8, contained in P.S.C. No. 1 — Gas.

Purpose: To approve KEDLI's amendments to the retail access program under SC No. 8, contained in P.S.C. No. 1 — Gas.

Substance of final rule: The Commission, on September 15, 2016, adopted an order approving KeySpan Gas East Corporation d/b/a National Grid Long Island's amendments to the retail access program under Service Classification No. 8 — Sales Service, 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.

(14-G-0330SA3)

NOTICE OF ADOPTION

Amendments to the Retail Access Program Under SC No. 19, Contained in P.S.C. No. 12—Gas

I.D. No. PSC-07-16-00020-A

Filing Date: 2016-09-21

Effective Date: 2016-09-21

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

Action taken: On 9/15/16, the PSC adopted an order approving The Brooklyn Union Gas Company d/b/a National Grid New York's (KEDNY) amendments to the retail access program under Service Classification (SC) No. 19, contained in P.S.C. No. 12—Gas.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Amendments to the retail access program under SC No. 19, contained in P.S.C. No. 12—Gas.

Purpose: To approve KEDNY's amendments to the retail access program under SC No. 19, contained in P.S.C. No. 12—Gas.

Substance of final rule: The Commission, on September 15, 2016, adopted an order approving The Brooklyn Union Gas Company d/b/a National Grid New York's amendments to the retail access program under Service Classification (SC) No. 19 — Seller Transportation Aggregation Service, 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.

(14-G-0331SA3)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-13-16-00007-A**Filing Date:** 2016-09-22**Effective Date:** 2016-09-22

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

Action taken: On 9/15/16, the PSC adopted an order approving Skyview Parc II LP's (Skyview) notice of intent to submeter electricity at 131-05, 131-03 and 131-01 40th Road, Flushing, 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: Submetering of electricity.

Purpose: To approve Skyview's notice of intent to submeter electricity at 131-05, 131-03 and 131-01 40th Road, Flushing, New York.

Substance of final rule: The Commission, on September 15, 2016, adopted an order approving Skyview Parc II LP's notice of intent to submeter electricity at 131-05, 131-03 and 131-01 40th Road, Flushing, New York, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: 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.

(16-E-0131SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-14-16-00006-A**Filing Date:** 2016-09-21**Effective Date:** 2016-09-21

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

Action taken: On 9/15/16, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to Service Classification (SC) No. 4, contained in P.S.C. No. 4—Steam.

Statutory authority: Public Service Law, section 66

Subject: Tariff amendments.

Purpose: To approve Con Edison's tariff amendments to SC No. 4, contained in P.S.C. No. 4—Steam.

Substance of final rule: The Commission, on September 15, 2016, adopted an order approving Consolidated Edison Company of New York, Inc.'s tariff amendments to Service Classification (SC) No. 4—Backup/Supplementary Service, contained in P.S.C. No. 4—Steam, provided that further revisions are filed, as described in the order, 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.

(16-S-0134SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-15-16-00015-A**Filing Date:** 2016-09-22**Effective Date:** 2016-09-22

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

Action taken: On 9/15/16, the PSC adopted an order approving IGI-GGP Renwick LLC's (IGI-GGP) petition to submeter electricity at 15 Renwick 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: Submetering of electricity.

Purpose: To approve IGI-GGP's petition to submeter electricity at 15 Renwick Street, New York, New York.

Substance of final rule: The Commission, on September 15, 2016, adopted an order approving IGI-GGP Renwick LLC's petition to submeter electricity at 15 Renwick Street, New York, New York, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: 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.

(16-E-0136SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-21-16-00006-A**Filing Date:** 2016-09-22**Effective Date:** 2016-09-22

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

Action taken: On 9/15/16, the PSC adopted an order approving HV Housing, LLC's (HV Housing) petition to submeter electricity at 45 Vanderburgh Avenue, Troy, 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: Submetering of electricity.

Purpose: To approve HV Housing's petition to submeter electricity at 45 Vanderburgh Avenue, Troy, New York.

Substance of final rule: The Commission, on September 15, 2016, adopted an order approving HV Housing, LLC's petition to submeter electricity at 45 Vanderburgh Avenue, Troy, New York, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: 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.

(16-E-0184SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-22-16-00012-A

Filing Date: 2016-09-22

Effective Date: 2016-09-22

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

Action taken: On 9/15/16, the PSC adopted an order approving 20 West 53rd Street, LLC's (20 West 53rd Street) notice of intent to submeter electricity at 20 West 53rd 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: Submetering of electricity.

Purpose: To approve 20 West 53rd Street, LLC's notice of intent to submeter electricity at 20 West 53rd Street, New York, New York.

Substance of final rule: The Commission, on September 15, 2016, adopted an order approving 20 West 53rd Street, LLC's notice of intent to submeter electricity at 20 West 53rd Street, New York, New York, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: 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-0441SA1)

NOTICE OF ADOPTION

Waiver of 16 NYCRR Sections 96.5(k)(3) and 96.6(b)

I.D. No. PSC-22-16-00014-A

Filing Date: 2016-09-22

Effective Date: 2016-09-22

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

Action taken: On 9/15/16, the PSC adopted an order approving 605 West 42nd Owner LLC's (605 West 42nd Owner) request to waive requirements of 16 NYCRR sections 96.5(k)(3) and 96.6(b).

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: Waiver of 16 NYCRR sections 96.5(k)(3) and 96.6(b).

Purpose: To approve 605 West 42nd Owner's request to waive requirements of 16 NYCRR sections 96.5(k)(3) and 96.6(b).

Substance of final rule: The Commission, on September 15, 2016, adopted an order approving 605 West 42nd Owner LLC's request to waive requirements regarding an energy audit and energy efficiency plan, 16 NYCRR § 96.5(k)(3); and the capability of termination of electric service to an individual unit, 16 NYCRR § 96.6(b), 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-0463SA2)

NOTICE OF ADOPTION

Petition for a Waiver of a 150-Day Provision

I.D. No. PSC-27-16-00007-A

Filing Date: 2016-09-21

Effective Date: 2016-09-21

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

Action taken: On 9/15/16, the PSC adopted an order approving Corning Natural Gas Corporation's (Corning) petition for a waiver of a 150-day provision of the Commission's Statement of Policy on Test periods in Major Rate Proceedings.

Statutory authority: Public Service Law, sections 66, 89-c and 92

Subject: Petition for a waiver of a 150-day provision.

Purpose: To approve Corning's petition for a waiver of a 150-day provision.

Substance of final rule: The Commission, on September 15, 2016, adopted an order approving Corning Natural Gas Corporation's petition for a waiver of a 150-day provision of the Commission's Statement of Policy on Test periods in Major Rate Proceedings, 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.

(16-G-0325SA1)

NOTICE OF ADOPTION

Emergency Rule

I.D. No. PSC-29-16-00019-A

Filing Date: 2016-09-21

Effective Date: 2016-09-21

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

Action taken: On 9/15/16, the PSC adopted an order approving the emergency order issued on June 30, 2016 on a permanent basis.

Statutory authority: Public Service Law, sections 89-b, 89-c and 112-a

Subject: Emergency rule.

Purpose: To approve the emergency rule on a permanent basis.

Substance of final rule: The Commission, on September 15, 2016, adopted an order approving the emergency Order Appointing Temporary Operator, issued on June 30, 2016, on a permanent basis, 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.

(16-W-0390SA1)

NOTICE OF ADOPTION

Emergency Rule

I.D. No. PSC-30-16-00002-A

Filing Date: 2016-09-21

Effective Date: 2016-09-21

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

Action taken: On 9/15/16, the PSC adopted an order approving the emergency order issued on July 11, 2016 on a permanent basis.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Emergency rule.

Purpose: To approve the emergency rule on a permanent basis.

Substance of final rule: The Commission, on September 15, 2016, adopted an order approving the emergency Order to Reinstate Billing, issued on July 11, 2016, on a permanent basis, 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.

(16-G-0181SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

To Consider Proposed Amendments to the Original Criteria to Grandfathering Established in the Transition Plan

I.D. No. PSC-41-16-00015-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 petition filed by Borrego Solar Systems, Inc., to modify the April 17, 2015 Order Granting Rehearing in Part, Establishing Transition Plan, and Making Other Findings.

Statutory authority: Public Service Law, sections 5(2), 22, 65(1), (2), (3), 66(1), (2), (3), (4), (5), (9), (12), (12-a), 66-c, 66-j and 66-l

Subject: To consider proposed amendments to the original criteria to grandfathering established in the Transition Plan.

Purpose: To modify the Transition Plan in response to new and unanticipated conditions.

Substance of proposed rule: The Public Service Commission (Commission) is considering a filing made by Borrego Solar Systems, Inc., on behalf of multiple stakeholders, on September 23, 2016, requesting amendments to the Commission's Transition Plan established in the Order Granting Rehearing in Part, Establishing Transition Plan, and Making Other Findings, issued on April 17, 2015 in Cases 14-E-0151 and 14-E-0422 (Order). The filing requests that the Commission consider amending the Transition Plan adopted in the Order to include an alternative qualification for grandfathering projects that cannot meet the December 31, 2017 in-service milestone. Borrego requests that the Commission implement a second, four-part milestone to allow a project to maintain its grandfathered status beyond December 31, 2017. The Commission may adopt, reject, or modify, in whole or in part, the requested amendments to the Transition Plan, 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-E-0151SP2)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Revision to Rule 25.5—Meter Reading (Rule 25.5)

I.D. No. PSC-41-16-00016-P

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

Proposed Action: The Commission is considering a proposal filed by Niagara Mohawk Power Corporation d/b/a National Grid to modify P.S.C. No. 220—Electricity, Rule No. 25.5—Meter Reading regarding the costs for telephone circuits for distributed generation projects.

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

Subject: Proposed revision to Rule 25.5—Meter Reading (Rule 25.5).

Purpose: To consider a revision to Rule 25.5 regarding the costs for telephone circuits for distributed generation projects.

Substance of proposed rule: The Public Service Commission is considering a proposal filed by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid or the Company) to modify its electric tariff schedule, P.S.C. No. 220, regarding Rule 25.5 – Meter Reading (Rule 25.5). The Company proposes to revise Rule 25.5 regarding the costs for telephone circuits for distributed generation (DG) projects when they are connected to the Company's electric distribution system for Supervisory Control and Data Acquisition (SCADA) or Direct Transfer Trip (DTT) communications. Currently, DG customers pay for the transmission of measured billing data through the customers' own telecommunications service provider but due to a change in National Grid's communication technology, the Company now has to own the circuits and pays the costs directly to the Company's telecommunication service provider. National Grid proposes passing these costs from the service provider through to the customer, based on a flat fee, as determined by the service provider and only for the costs incurred by the Company relative to the customer's DG project. The proposed amendment has 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-E-0544SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Utility Tariffs to Implement the Clean Energy Standard

I.D. No. PSC-41-16-00017-P

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

Proposed Action: The Commission is considering a Staff proposal to direct utility tariff amendments to implement the Clean Energy Standard described in the Commission August 1, 2016 Order.

Statutory authority: Public Service Law, sections 4(1), 5(1)(2) and 66(2); Energy Law, section 6-104(5)(b)

Subject: Utility tariffs to implement the Clean Energy Standard.

Purpose: To promote and maintain renewable and zero-emission electric energy resources.

Substance of proposed rule: The Public Service Commission is considering a Department of Public Service proposal to direct amendments to electric utility tariffs to allow recovery of costs to implement the Clean Energy Standard (CES) which the Commission adopted on August 1,

2016. Specifically, the proposed amendments would provide for recovery of the cost of Tier 1 compliant Renewable Energy Credits (RECs), Zero Emission Credits, and Alternative Compliance Payments incurred in compliance with the CES, through a volumetric supply charge collected from retail customers. Additional tariff amendments will provide for recovery, on a volumetric basis, on all sales (including all New York Power Authority sales), from all delivery customers, the cost of Tier 2 RECs and costs incurred by the electric utilities in their role as the CES financial backstop, as delineated in the August 1, 2016 Order. 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, NY 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathreen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, NY 12223, (518) 474-6530, email: kathleen.burgess@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-0302SP24)

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

Rider T—Commercial Demand Response Programs (Rider T)

I.D. No. PSC-41-16-00018-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 Consolidated Edison Company of New York, Inc. to modify Rider T—Commercial Demand Response Programs in its electric tariff schedule, P.S.C. No. 10—Electricity.

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

Subject: Rider T—Commercial Demand Response Programs (Rider T).

Purpose: To consider modifications to Rider T regarding its Commercial System Relief Program and Distribution Load Relief Program.

Substance of proposed rule: The Public Service Commission is considering a proposal filed by Consolidated Edison Company of New York, Inc. (Con Edison) to modify Rider T—Commercial Demand Response Programs (Commercial System Relief Program (CSRP) and Distribution Load Relief Program (DLRP)) in its electric tariff schedule, P.S.C. No. 10. Con Edison proposes to revise the CSRP day-ahead Planned Event call to a day-ahead Advisory followed by a same-day Planned Event call, if needed; align the CSRP Contracted Hours for Service Classification No. 11—Buy-back Service customers to coincide with Network need, where appropriate; remove the CSRP and DLRP limitation on increasing contracted kW of Load Relief in a Network by an Aggregator or Direct Participant with a Performance Factor of less than 1; add more time for CSRP participants to correct generator permit issues; and made clarifying tariff changes. The proposed amendments have an effective date of December 22, 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-E-0543SP1)

Department of Transportation

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

Provisions Applicable to Administrative Hearings in Office of Proceedings

I.D. No. TRN-41-16-00001-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 Part 558, sections 508.3 and 508.5; add new sections 508.3 and 508.5; amend sections 501.1, 501.2, 502.1(a), 502.5, 502.6, 503.2(b), (d), 503.5, 504.2, 504.3, 505.6(b), (d), 505.8, 505.9(d), 505.13, 505.15, 508.4 and 508.5 of Title 17 NYCRR.

Statutory authority: Transportation Law, sections 14(18), 84(1), 138, 139 and 145

Subject: Provisions applicable to administrative hearings in Office of Proceedings.

Purpose: Update of rules applicable to administrative hearings and repeal of obsolete provisions in Part 558.

Substance of proposed rule (Full text is not posted on a State website): The proposed rule-making repeals Title 17 Part 558, sections 508.3 and 508.5. Sections 131.3, 508.3 and 508.5 are re-added to amend the provisions of the repealed sections as indicated; updates amending other indicated sections and subdivisions are as described below.

Section 508.3 documentation requirements related to self-insurance applications are streamlined; an obsolete reference to the Interstate Commerce Commission is corrected to reflect that the current authority resides in the Federal Motor Carrier Safety Administration. Section 508.5 is amended to strike subdivision (f) and to renumber subdivisions (g), (h) to (f), (g), respectively. Section 501.1 is amended to allow electronic service of notice or papers by the commissioner. Section 501.2 is amended to remove an obsolete reference to the Interstate Commerce Commission and to reflect that said authority now resides in the Surface Transportation Board. Section 502.1 is streamlined to reduce paperwork requirements for carriers applying for various items issued by the commissioner. Section 502.5 is amended to allow electronic submission of applications for emergency authority and to correct reference to the chief administrative law judge in this context; reference to the chief administrative law judge is likewise removed from section 503.9, as the Department no longer retains a chief administrative law judge. Section 502.6 is amended to remove an obsolete reference to the Interstate Commerce Commission and to reflect that said authority now resides in the Federal Motor Carrier Safety Administration. Section 503.2 is amended to allow electronic notice of hearing date, time and location to parties of record or via first class mail. Section 503.5 is amended to reduce paperwork required from respondents in regard to submission of exhibits at administrative hearings. Section 504.2 is amended to reduce paperwork required from respondents for applications for rehearing on administrative decisions. Section 504.3 is amended to allow for electronic submission of appeals of final determinations in administrative proceedings. Section 505.6 is amended to allow electronic transmission of requests for clarification of charges and the Department's subsequent response, as well as notice of hearing. Section 505.8 is amended to allow either electronic submission or first class mailing of requests for adjournment of hearings. Subdivision 505.9(d) is amended to allow electronic transmission of decision to respondents to administrative hearings. Section 505.15 is amended to reduce paperwork required from respondents and to allow respondents choice of performing service of appeal of administrative decisions on the Department via either personal service, electronic transmission of first class mail. Section 508.4 is amended to remove an obsolete reference to the Interstate Commerce Commission and to reflect that said authority now resides in the Federal Motor Carrier Safety Administration.

Text of proposed rule and any required statements and analyses may be obtained from: Alan Black, Legal Assistant 2, Department of Transportation, NYSDOT Office of Legal Services, 6th floor, 50 Wolf Road Albany, NY 12232, (518) 457-2411, email: alan.black@dot.ny.gov

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

Public comment will be received until: 60 days after publication of this notice.

Consensus Rule Making Determination

NYSDOT has determined that no person is likely to object to the proposed amendments of 17 NYCRR which are the subject of this rulemaking. The objectives are to update correspondence and notice options to allow for electronic communication in order to reduce paperwork burdens and provide corrections to material rendered erroneous by obsolescence. This will result in a reduction of regulatory requirements and an improvement in the clarity of the provisions involved.

Job Impact Statement

It is determined that this rulemaking will have no impact on jobs and employment opportunities.