

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 Civil Service

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-06-19-00001-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Education Department under the subheading “Higher Education Services Corporation,” by increasing the number of positions of Special Assistant from 4 to 5.

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

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-06-19-00002-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading “Office of Parks, Recreation and Historic Preservation,” by decreasing the number of positions of Regional Director Parks and Recreation 1 from 7 to 6 and by increasing the number of positions of Regional Director Parks and Recreation 2 from 2 to 3.

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

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

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Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

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

Jurisdictional Classification

I.D. No. CVS-06-19-00003-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the State Department Service under the subheading "All State Departments and Agencies," by deleting therefrom the positions of Automotive Body Mechanic, Carpenter, Electrician, General Mechanic, Grounds Worker, Laboratory Mechanician, Labor Supervisor, Locksmith, Machinist, Maintenance Assistant (Mechanic), Maintenance Assistant (Refrigeration), Mason and Plasterer, Painter, Plumber and Steamfitter, Refrigeration Mechanic, Roofer and Tinsmith, Senior Grounds Worker, Sheet Metal Worker, Sign Painter, Sign Shop Supervisor 1, Sign Shop Worker, Supervising Carpenter, Supervising Electrician, Supervising Mason and Plasterer, Supervising Painter, Supervising Plumber and Steamfitter, Upholsterer, and Welder; and by adding thereto the positions of Facility Operations Assistant 2, Facility Operations Assistant 2 (Grounds), Maintenance Assistant (Sign Fabrication), Service and Repair Assistant (HVAC-R), Service and Repair Assistant (Motor Equipment), Service and Repair Mechanic (Auto Body), Service and Repair Mechanic (HVAC-R), Service and Repair Mechanic (Laboratory), Trades Generalist, Trades Specialist (Carpenter), Trades Specialist (Electrician), Trades Specialist (Locksmith), Trades Specialist (Machinist), Trades Specialist (Mason and Plasterer), Trades Specialist (Painter), Trades Specialist (Plumber and Steamfitter), Trades Specialist (Roofing), Trades Specialist (Sheet Metal), Trades Specialist (Sign Fabrication), Trades Specialist (Upholstery), Trades Specialist (Welder), Trades Supervisor (Carpenter), Trades Supervisor (Electrician), Trades Supervisor (Mason and Plasterer), Trades Supervisor (Painter), Trades Supervisor (Plumber and Steamfitter) and Trades Supervisor (Sign Fabrication); and, in the Department of Corrections and Community Supervision by deleting therefrom the positions of Correctional Industries Installation and Repair Technician, and Mason and Plasterer (Trades Training Program) and by adding thereto the positions of Service and Repair Mechanic (Corcraft); and, in the Department of Environmental Conservation, by deleting therefrom the position of Supervisor of Marine Equipment Repair (1) and by adding thereto the position of Maintenance Supervisor 1 (Marine Equipment) (1); and, in the Department of Transportation, by deleting therefrom the positions of Bridge Repair Mechanic and by adding thereto the positions of Trades Specialist (Bridge); and, in the New York State Thruway Authority, by deleting therefrom the positions of Bridge Repair Mechanic and by adding thereto the positions of Trades Specialist (Bridge).

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

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

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Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

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

Jurisdictional Classification

I.D. No. CVS-06-19-00004-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office of Victim Services," by adding thereto the position of Manager Training.

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

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Regulatory Flexibility Analysis

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Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-19-00001-P, Issue of January 9, 2019.

Department of Health

EMERGENCY RULE MAKING

Update Standards for Adult Homes and Standards for Enriched Housing Programs

I.D. No. HLT-37-18-00008-E

Filing No. 28

Filing Date: 2019-01-18

Effective Date: 2019-01-18

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

Action taken: Amendment of sections 486.7, 487.4, 488.4, 490.4 and 494.4 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 461 and 461-l(5)

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

Specific reasons underlying the finding of necessity: Compliance with the requirements of the State Administrative Procedure Act for filing of a regulation on a non-emergency basis including the requirement for a period of time for public comment cannot be met because to do so would be detrimental to the health and general welfare of individuals who primarily use a wheelchair for mobility and who are eligible for admission to adult care facilities.

Adult care facilities, including Adult Homes, Enriched Housing, and Assisted Living Programs, provide a range of care options in non-institutional, home-like, flexible living environments, and benefit the health and general welfare of individuals who require care but are capable of independent living. Denying otherwise eligible individuals admission to adult care facilities solely on the grounds that they primarily use a wheelchair for mobility compels such individuals to either enter nursing homes unnecessarily or continue living independently while foregoing the care they need.

The Department is concerned that some adult care facility operators may be denying admission solely on the grounds that applicants primarily use a wheelchair for mobility. Without this emergency regulation some operators will continue to refuse admission to otherwise eligible applicants, to the detriment of the health and general welfare of such individuals.

Subject: Update Standards for Adult Homes and Standards for Enriched Housing Programs.

Purpose: To prohibit residential providers from excluding an applicant based solely on the individual’s status as a wheelchair user.

Text of emergency rule: Section 486.7(c) of Title 18 of the NYCRR is amended as follows:

(c) Penalties for Part 487 of this Title.

Department regulations	Penalty per violation per day
487.3(a)	\$ 50
(b)	50
(d)	50
(e)	50
(f)	50
487.4(a)	\$ 50
[(b)](c)(1)	50
(2)	50
(3)	50
(4)	50
(5)	50
(6)	50
(7)	50
(8)	50
[(9)]	[50]

Department regulations	Penalty per violation per day
[(10)] (9)	50
[(11)] (10)	50
[(12)] (11)	50
[(13)] (12)	50
[(14)] (13)	50
[(15)] (14)	50
[(16)] (15)	50
[(c)] (d)	100
[(d)] (e)	25
[(e)] (f)	5
[(f)] (g)	5
[(g)] (h)	25
[(h)] (i)	25
[(i)] (j) (1)	25
(2)	25
[(j)] (k)	25
[(k)] (l) (1)	
[(k)] (l) (2)	25
[(1)] (m) (1)	10
(2)	10
[(m)] (n)	10
[(k)] (l)	NA
(ii)	1,000
(iii)	1,000
(iv)	1,000
[(n)] (o)	10
[(o)] (p) (1)	10
(2)	10
(3)	10
(4)	10
[(p)] (q)	10
[(q)] (r)	25

Section 486.7(f) of Title 18 of the NYCRR is amended as follows:
(f) Penalties for Part 490 of this Title.

Department regulations	Penalty per violation per day
490.3(a)	\$50
(b)	50
(c)	50
(d)	50
(e)	50
490.4(a)	50
[(b)] (c) (1)	50
(2)	50
(3)	50
(4)	50
(5)	50
(6)	50
(7)	50
(8)	50
(9)	50
[(10)]	[50]

Department regulations	Penalty per violation per day
[(11)] (10)	50
[(12)] (11)	50
[(13)] (12)	50
[(14)] (13)	50
[(15)] (14)	50
[(16)] (15)	50
[(17)] (16)	50
[(18)] (17)	50
[(d)] (e)	100
[(e)] (f)	25
[(f)] (g)	25
[(g)] (h)	25
[(h)] (i)	25
[(i)] (j)	25
[(j)] (k) (1)	25
(2)	25
[(k)] (l)	25
[(l)] (m) (1)	50
[(m)] (n) (1)	10
(2)	50
[(n)] (o)	25
[(o)] (p)	10
[(p)] (q)	10
[(q)] (r)	10
[(r)] (s)	10
[(s)] (t)	25

Subdivisions (b)-(q) of section 487.4 of Title 18 of the NYCRR are re-lettered (c)-(r) and a new subdivision (b) is added.

Reference to subdivision (b) is re-lettered to subdivision (c) in new subdivision (l).

Reference to subdivision (i) is re-lettered to subdivision (j) in new subdivision (m).

Reference to subdivision (b) is re-lettered to subdivision (c) in paragraph (2) of new subdivision (m).

Reference to subdivisions (f) and (g) are re-lettered (g) and (h) in new subdivision (n).

Paragraph (9) of new subdivision (c) is repealed and paragraphs (10)-(16) of new subdivision (c) are renumbered (9)-(15), to read as follows:

Section 487.4 Admission standards

(b) An operator shall not exclude an individual on the sole basis that such individual is a person who primarily uses a wheelchair for mobility, and shall make reasonable accommodations to the extent necessary to admit such individuals, consistent with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq. and with the provisions of this section.

Subdivisions (b)-(k) of section 488.4 of Title 18 of the NYCRR are re-lettered (c)-(l) and a new subdivision (b) is added.

Reference to subdivision (b) is re-lettered subdivision (c) in new subdivision (h).

Reference to subdivision (d) is re-lettered subdivision (e) in new subdivision (i).

Reference to subdivision (b) is re-lettered to subdivision (c) in paragraph (2) of new subdivision (i).

Reference to subdivision (d) is re-lettered to subdivision (e) in new subdivision (j).

Paragraph (9) of new subdivision (c) is repealed and paragraphs (10)-(17) of new subdivision (c) are renumbered (9)-(16), to read as follows:

Section 488.4 Admission and retention standards

(b) An operator shall not exclude an individual on the sole basis that such individual is a person who primarily uses a wheelchair for mobility, and shall make reasonable accommodations to the extent necessary to admit such individuals, consistent with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq. and with the provisions of this section.

Subdivisions (b)-(s) of section 490.4 of Title 18 of the NYCRR are re-lettered (c)-(t) and a new subdivision (b) is added.

Reference to subdivision (b) is re-lettered to subdivision (c) in new subdivision (m).

Reference to subdivisions (e), (f), and (j) are re-lettered to subdivisions (f), (g), and (k) in new subdivision (n).

Reference to subdivision (b) is re-lettered to subdivision (c) in paragraph (2) of new subdivision (n).

References to subdivision (f) and (g) are re-lettered to (g) and (h) in new subdivision (p).

Paragraph (9) of new subdivision (c) is repealed and paragraphs (10)-(18) of new subdivision (c) are renumbered (9)-(17), to read as follows:

Section 490.4 Admission and retention standards

(b) An operator shall not exclude an individual on the sole basis that such individual is a person who primarily uses a wheelchair for mobility, and shall make reasonable accommodations to the extent necessary to admit such individuals, consistent with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq. and with the provisions of this section.

Subdivisions (b)-(j) of section 494.4 of Title 18 of the NYCRR are re-lettered (c)-(k) and a new subdivision (b) is added.

References to subdivision (b) is re-lettered to subdivision (c) in paragraph (4) of new subdivision (i).

Reference to subdivision (c) is re-lettered to subdivision (d) in new subdivision (k).

Paragraph (3) of new subdivision (e) is repealed and paragraph (4) of new subdivision (e) is renumbered (3), to read as follows:

Section 494.4 Admission and retention standards

(b) An operator shall not exclude an individual on the sole basis that such individual is a person who primarily uses a wheelchair for mobility, and shall make reasonable accommodations to the extent necessary to admit such individuals, consistent with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq. and with the provisions of this section.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. HLT-37-18-00008-P, Issue of September 12, 2018. The emergency rule will expire March 18, 2019.

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

Regulatory Impact Statement

Statutory Authority:

The authority for the promulgation of these regulations is contained in sections 461 and 461-l(5) of Social Services Law. Section 461(1) provides the authority for the department to promulgate regulations for adult care facilities, specifically adult homes, enriched housing, and residences for adults. Section 461-l(5) provides the authority for Commissioner to promulgate regulations for assisted living programs.

Legislative Objectives:

The Legislature has determined that oversight of adult care facilities is in the interests of the state because the residents, who are typically over the age of 65, can be vulnerable to conditions that the resident is unable to change. The primary purpose of these amendments is to prevent adult care facilities from excluding an applicant on the sole basis that such individual is a person who primarily uses a wheelchair for mobility.

Needs and Benefits:

New York State has the responsibility to ensure the support and safety of its most vulnerable citizens. These amendments address Admission Standards (Part 487 – Adult Homes), and Admission and Retention Standards (Parts 488 – Enriched Housing, 490 – Residences for Adults, and 494 – Assisted Living Programs) for adult care facilities regulated by the Department of Health. The changes incorporate provisions that prohibit a provider from excluding an applicant on the sole basis that such applicant is a person who primarily uses a wheelchair for mobility, thereby aligning with the provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.

Adult care facilities provide a range of care options in non-institutional, home-like, flexible living environments, to benefit the health and general welfare of individuals who require care but are capable of independent living. The amended regulations will ensure that individuals who are otherwise eligible for admission are not denied access to the benefits and services provided by adult care facilities solely because they primarily use a wheelchair for mobility.

Costs:

Costs to Private Regulated Parties:

Projected provider costs are minimal, as all regulated Parties are already required to maintain compliance with applicable federal, state and local laws, regulations and ordinances.

Costs to State Government:

There will be no costs incurred by State government.

Costs to Local Governments:

There will be no costs incurred by local governments.

Local Government Mandates:
 There is no local government program, service, duty or responsibility imposed by the rule.
Paperwork:
 There are no new reporting requirements imposed by the rule.
Duplication:
 There are no other rules or other legal requirements of the state and federal governments that may duplicate, overlap or conflict with the rule.
Alternatives:
 This rule is a necessary update to maintain the Department’s oversight of the adult care facility program and to align regulations with controlling law. There were no significant alternatives to this rule that achieve these goals.
Federal Standards:
 Not applicable. Adult care facility programs are regulated by the State only.
Compliance Schedule:
 Adult care facilities will be able to comply with this regulation upon promulgation.

Regulatory Flexibility Analysis

Effect of Rule:
 The proposed regulations will apply to all adult homes, enriched housing, residences for adults, and assisted living programs in New York State. This regulation will not impact local governments or small business unless they operate such adult care facilities. In such case, the flexibility afforded by the regulations is expected to minimize any costs of compliance as described below.
Compliance Requirements:
 This regulation does not represent a practical change in compliance requirements, as providers are already required to maintain compliance with all applicable federal, state and local laws, regulations and ordinances.
Professional Services:
 This regulation is not expected to require any additional use of professional services.
Compliance Costs:
 There are no additional compliance costs associated with this proposed regulation, as providers are already required to maintain compliance with applicable federal, state and local laws, regulations and ordinances.
Economic and Technological Feasibility:
 This regulation is economically and technically feasible. The intent of the amended section of regulation is to protect the rights of individuals who rely in part on a wheelchair for mobility. Currently, all admissions should be based on the provider’s ability to meet the individual needs of each prospective resident, including but not limited to, the reasonable accommodation of the individual’s needs. If the facility is not able to meet the needs of prospective resident, they should not admit that individual.
Minimizing Adverse Impact:
 There is no adverse impact. This regulation does not represent a practical change in compliance requirements, as providers are already required to maintain compliance with all applicable federal, state and local laws, regulations and ordinances.
Small Business and Local Government Participation:
 The proposed regulation will have a 60-day public comment period.
Cure Period:
 Chapter 524 of the Laws of 2011 requires agencies to include a “cure period” or other opportunity for ameliorative action to prevent the imposition of penalties on a party subject to enforcement when developing a regulation or explain in the Regulatory Flexibility Analysis why one is not included. As this proposed regulation does not create a new penalty or sanction, no cure period is necessary.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:
 This rule applies uniformly throughout the state, including rural areas. Rural areas are defined as counties with a population less than 200,000 and counties with a population of 200,000 or greater that have towns with population densities of 150 persons or fewer per square mile. The following 43 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2010 (<http://quickfacts.census.gov>). Approximately 17% of adult care facilities are located in rural areas.

Allegany County	Greene County	Schoharie County
Cattaraugus County	Hamilton County	Schuyler County
Cayuga County	Herkimer County	Seneca County
Chautauqua County	Jefferson County	St. Lawrence County
Chemung County	Lewis County	Steuben County
Chenango County	Livingston County	Sullivan County

Clinton County	Madison County	Tioga County
Columbia County	Montgomery County	Tompkins County
Cortland County	Ontario County	Ulster County
Delaware County	Orleans County	Warren County
Essex County	Oswego County	Washington County
Franklin County	Otsego County	Wayne County
Fulton County	Putnam County	Wyoming County
Genesee County	Rensselaer County	Yates County
	Schenectady County	

The following counties have a population of 200,000 or greater and towns with population densities of 150 persons or fewer per square mile. Data is based upon the United States Census estimated county populations for 2010.

Albany County	Monroe County	Orange County
Broome County	Niagara County	Saratoga County
Dutchess County	Oneida County	Suffolk County
Erie County	Onondaga County	

There are 291 adult homes, 90 enriched housing programs, 0 residences for adults and 95 assisted living programs in rural areas.
Reporting, Recordkeeping, Other Compliance Requirements and Professional Services:
 This regulation does not represent a practical change in compliance requirements, as providers are already required to maintain compliance with all applicable federal, state and local laws, regulations and ordinances.
Costs:
 There are no additional costs associated with this proposed regulation, as providers are already required to maintain compliance with applicable federal, state and local laws, regulations and ordinances.
Minimizing Adverse Impact:
 There is no adverse impact. This regulation does not represent a practical change in compliance requirements, as providers are already required to maintain compliance with all applicable federal, state and local laws, regulations and ordinances.
Rural Area Participation:
 The proposed regulation will have a 60-day public comment period.
Job Impact Statement
 A Job Impact Statement for these amendments is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities.
Assessment of Public Comment
 The agency received no public comment.

Public Service Commission

NOTICE OF ADOPTION

Petition Supporting the Development of Clean Energy

I.D. No. PSC-52-17-00014-A
Filing Date: 2019-01-17
Effective Date: 2019-01-17

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:
Action taken: On 1/17/19, the PSC adopted an order granting, with modifications, New York State Energy Research and Development Authority’s (NYSERDA) petition regarding access to utility data and legacy reporting requirements.
Statutory authority: Public Service Law, sections 5(2), 66(1), (3), (4) and (5)
Subject: Petition supporting the development of Clean Energy.
Purpose: To grant, with modifications, NYSERDA’s petition regarding access to utility data and legacy reporting requirements.
Substance of final rule: The Commission, on January 17, 2019, adopted

an order granting, with modifications, New York State Energy Research and Development Authority's (NYSERDA) petition for access to non-participant customer utility data for the specified purposes related to the evaluation and measurement of clean energy programs and analysis related to NYSEDA's responsibilities as established in the Public Authorities Law and the State Energy Plan. In addition, the Commission grants NYSEDA's requests regarding legacy reporting requirements. Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., Central Hudson Gas & Electric Corporation, National Fuel Gas Distribution Corporation, The Brooklyn Union Gas Company d/b/a National Grid NY, KeySpan Gas East Corporation d/b/a National Grid, Niagara Mohawk Power Corporation d/b/a National Grid, New York State Electric & Gas Corporation, and Rochester Gas and Electric Corporation (collectively, the Joint Utilities) shall file a proposed Memorandum of Understanding (MOU) in Matter No. 19-00087 within 30 days of the issuance of this Order. NYSEDA and the Joint Utilities shall file a Final MOU in Matter 19-00087 or, if the Joint Utilities and NYSEDA are unable to come to a complete agreement on appropriate terms, the Joint Utilities and NYSEDA shall each file a Proposed Final MOU in Matter 19-00087 within 60 days of the issuance of this 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, 3 Empire State Plaza, Albany, New York 12223-1350, (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-M-0094SA9)

NOTICE OF ADOPTION

2017 Outcome-Based EAMs Collaborative Report

I.D. No. PSC-28-18-00004-A

Filing Date: 2019-01-18

Effective Date: 2019-01-18

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

Action taken: On 1/17/19, the PSC adopted an order approving the recommendations of the 2017 Outcome-based Earnings Adjustment Mechanisms (EAMs) Collaborative Report filed by Consolidated Edison Company of New York, Inc. (Con Edison).

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

Subject: 2017 Outcome-Based EAMs Collaborative Report.

Purpose: To approve the recommendations of Con Edison's 2017 Outcome-Based EAMs Collaborative Report.

Substance of final rule: The Commission, on January 17, 2019, adopted an order approving the recommended metrics, targets and allocation of financial incentives contained in the 2017 Outcome-based Earnings Adjustment Mechanisms (EAMs) Collaborative Report filed by Consolidated Edison Company of New York, Inc. (Con Edison) on August 23, 2017, 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, 3 Empire State Plaza, Albany, New York 12223-1350, (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-0060SA7)

NOTICE OF ADOPTION

Waiver Request

I.D. No. PSC-38-18-00001-A

Filing Date: 2019-01-17

Effective Date: 2019-01-17

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

Action taken: On 1/17/19, the PSC adopted an order approving Utica Center for Development, Inc.'s (Utica Center) petition for a waiver of the individual metering requirements in Opinion 76-17 for the building at 726 Washington Street, Utica, 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: Waiver request.

Purpose: To approve Utica Center's petition for a waiver of the individual metering requirements in Opinion 76-17.

Substance of final rule: The Commission, on January 17, 2019, adopted an order approving Utica Center for Development, Inc.'s (Utica Center) petition for a waiver of the individual metering requirements in Opinion 76-17 for the building at 726 Washington Street, Utica, 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, 3 Empire State Plaza, Albany, New York 12223-1350, (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.

(18-E-0503SA1)

NOTICE OF ADOPTION

Waivers of PSC Article VII Regulations

I.D. No. PSC-40-18-00018-A

Filing Date: 2019-01-18

Effective Date: 2019-01-18

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

Action taken: On 1/17/19, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) request for certain waivers of PSC Article VII regulations regarding requirements for applications.

Statutory authority: Public Service Law, sections 4, 5 and 122

Subject: Waivers of PSC article VII regulations.

Purpose: To approve National Grid's request for certain waivers of PSC article VII regulations.

Substance of final rule: The Commission, on January 17, 2019, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) request for waivers of certain PSC Article VII application requirements for Certificates of Environmental Compatibility and Public Need as set forth in 16 NYCRR § 86.3(a)(2), 86.3(b)(2) and 88.4(a)(4), 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, 3 Empire State Plaza, Albany, New York 12223-1350, (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.

(18-T-0561SA1)

NOTICE OF ADOPTION

Petition for Rehearing and/or Reconsideration**I.D. No.** PSC-42-18-00010-A**Filing Date:** 2019-01-18**Effective Date:** 2019-01-18

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

Action taken: On 1/17/19, the PSC adopted an order granting, in part, New York State Telecommunications Association, Inc.'s (NYSTA) petition for rehearing and/or reconsideration of the August 9, 2018 Order Determining Rate Treatment of Tax Charges.

Statutory authority: Public Service Law, sections 22, 91 and 92

Subject: Petition for rehearing and/or reconsideration.

Purpose: To grant, in part, NYSTA's petition for rehearing and/or reconsideration.

Substance of final rule: The Commission, on January 17, 2019, adopted an order granting, in part, New York State Telecommunications Association, Inc.'s petition for rehearing and/or reconsideration of the August 9, 2018 Order Determining Rate Treatment of Tax Charges (August 9, 2018 Order). The requirement to preserve excess accumulated deferred federal income tax resulting from the Tax Cuts and Jobs Act of 2017, for future disposition by the Commission, as stated in Ordering Clause 8 of the August 9, 2018 Order is rescinded as it applies to telephone utilities. Beginning January 1, 2018, telephone utilities, except for Verizon New York Inc., and Frontier Telephone of Rochester, Inc., shall amortize excess accumulated deferred federal income tax balances consistent with Internal Revenue Service regulations, with any remaining unamortized balances to be addressed in a telephone utility's next rate case, 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, 3 Empire State Plaza, Albany, New York 12223-1350, (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.

(17-M-0815SA3)

NOTICE OF ADOPTION

Petition on Surcharge**I.D. No.** PSC-44-18-00009-A**Filing Date:** 2019-01-17**Effective Date:** 2019-01-17

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

Action taken: On 1/17/19, the PSC adopted an order approving the Town of Eastchester's (Eastchester) petition authorizing SUEZ Water Westchester, Inc. (SUEZ Westchester) to recover the Municipal Public Fire Protection (MPFP) surcharge from Eastchester customers.

Statutory authority: Public Service Law, sections 4(1), 5(1)(f), 89-c(1) and (10)

Subject: Petition on surcharge.

Purpose: To approve Eastchester's petition authorizing SUEZ Westchester to recover the MPFP surcharge from Eastchester customers.

Substance of final rule: The Commission, on January 17, 2019, adopted an order approving the Town of Eastchester's (Eastchester) petition authorizing SUEZ Water Westchester, Inc. (SUEZ Westchester) to recover the Municipal Public Fire Protection (MPFP) surcharge from each class of customers in Eastchester, as listed in the Appendix to this Order, effective March 1, 2019. SUEZ Westchester is directed to file a MPFP Surcharge Statement, on not less than one day's notice, to become effective March 1, 2019, in accordance with the discussion in the body of this Order and the surcharge rates listed in the Appendix to this Order. SUEZ Westchester shall identify the surcharge as the MPFP surcharge and provide a complete explanation of the surcharge, including customer exemptions, in the first bill after March 1, 2019. SUEZ Westchester is also directed to file with the

Secretary of the Commission 60 days prior to the end of each calendar year, a reconciliation of revenues collected in comparison to surcharges imposed for fire protection service and any necessary revisions to the MPFP Surcharge Statements, 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, 3 Empire State Plaza, Albany, New York 12223-1350, (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.

(18-W-0632SA1)

NOTICE OF ADOPTION

Transfer of Control of Cable Television System Assets, Facilities and Franchises**I.D. No.** PSC-46-18-00013-A**Filing Date:** 2019-01-18**Effective Date:** 2019-01-18

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

Action taken: On 1/17/19, the PSC adopted an order adopting the emergency action on a permanent basis for SLIC Network Solutions, Inc. (SLIC) and HCCI LLC's (HCCI) acquisition of cable television assets previously owned by Hamilton County Cable TV, Inc. (Hamilton).

Statutory authority: Public Service Law, section 222

Subject: Transfer of control of cable television system assets, facilities and franchises.

Purpose: To adopt the emergency action on a permanent basis for SLIC and HCCI to acquire Hamilton's cable television assets.

Substance of final rule: The Commission, on January 17, 2019, adopted an order adopting the emergency action on a permanent basis for SLIC Network Solutions, Inc. and HCCI LLC's acquisition of cable television system assets, including franchises and facilities, previously owned by Hamilton County Cable TV, Inc., in the towns of Johnsburg, Wells, Speculator and Lake Pleasant, 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.

(18-V-0674SA1)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**Consideration of the Joint Utilities' Proposed BDP Program****I.D. No.** PSC-06-19-00005-P

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

Proposed Action: The Commission is considering a proposal filed on December 10, 2018 by the Joint Utilities to implement a Bill Discount Pledge (BDP) Program, in accordance with the Commission's Order Adopting Low-Income Community Distributed Generation Initiatives.

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

Subject: Consideration of the Joint Utilities' proposed BDP Program.

Purpose: To expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.

Substance of proposed rule: The Commission is considering a proposal jointly filed on December 10, 2018 by Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., Central Hudson Gas & Electric Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation (collectively, the Joint Utilities), in accordance with the Commission's Order Adopting Low-Income Community Distributed Generation Initiatives, issued July 12, 2018, to implement a Bill Discount Pledge (BDP) Program within their respective service territories.

The proposed BDP program would allow low-income customers to direct part or all of their monthly bill discounts towards payment for Community Distributed Generation (CDG) subscriptions. The utility would then pay the CDG Sponsor each month for the amount pledged by the low-income customer. In exchange for foregoing the benefit of a discounted bill, participating low-income customers would receive CDG credits to offset a portion of their bill equal to or greater than the foregone discount.

The full text of the proposal and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action 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: 60 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-0751SP21)

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

Waiver of PSC Regulations, 16 NYCRR Sections 86.3(a)(1), (2) and 86.4(b)

I.D. No. PSC-06-19-00006-P

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

Proposed Action: The Commission is considering a motion filed by Canisteo Wind Energy, LLC for a waiver of certain provisions of 16 NYCRR Part 86 regarding requirements for applications under PSC article VII for Certificates of Environmental Compatibility and Public Need.

Statutory authority: Public Service Law, sections 4, 5 and 122

Subject: Waiver of PSC regulations, 16 NYCRR sections 86.3(a)(1), (2) and 86.4(b).

Purpose: To consider a waiver of certain regulations related to an application for transmission line siting.

Substance of proposed rule: The Public Service Commission is considering a motion, filed by Canisteo Wind Energy, LLC (Canisteo Wind) on January 14, 2019, for a waiver of certain requirements related to the content of its application to construct and operate an electric transmission line pursuant to a Certificate of Environmental Compatibility and Public Need (Certificate) under Public Service Law (PSL) Article VII. On January 14, 2019, Canisteo Wind filed an Article VII petition proposing to build a 15-mile transmission facility to connect a proposed wind energy facility to the regional power grid. The proposed transmission facility consists of a 34.5/115 kilovolt (kV) collection substation in the Town of Jasper, Steuben County, a 115-kV electric transmission line, and a proposed 115 kV point of interconnection at the Bennett Substation along State Route 36 in the Town of Hornellsville, Steuben County, which is owned and operated by New York State Electric and Gas.

Canisteo Wind also has proposed to construct, operate, and maintain a 122-turbine wind energy facility in the Towns of Cameron, Canisteo, Greenwood, Jasper, Troupsburg, and West Union in Steuben County, New York. An application for a Certificate of Environmental Compatibility and

Public Need pursuant to PSL Article 10 authorizing the wind energy facility is pending before the Board on Electric Generation Siting and the Environment, Case 16-F-0205.

Canisteo Wind seeks a waiver and modification of the Commission's regulations relating to the filing of New York State Department of Transportation (NYSDOT) maps as part of the application for the transmission facility filed under PSL Article VII, specifically, waivers of 16 NYCRR § 86.3(a)(1), 86.3(a)(2) and 86.4(b).

These regulations (16 NYCRR § 86.3[a][1][i] and [iii]) require the use of New York State Department of Transportation (NYSDOT) topographic maps at a scale of 1:24,000 to show the proposed right of way (with control points indicated), covering an area of at least five miles on either side of the proposed facility location and any known archaeological, geologic, historical or scenic area, park, or untouched wilderness on or within three miles of the right-of-way. Canisteo Wind requests that the Commission waive the requirement to submit NYSDOT maps and authorize the use of the most recent topographic maps prepared by the National Geospatial Program of the United States Geological Survey (USGS maps) in order to provide the depictions required by this rule. Canisteo Wind does not propose to change the scale of the maps required under the regulations (1:24,000 topographic edition) and does not request waiver of any other requirement in 16 NYCRR § 86.3(a)(1)(i) and (iii).

These regulations (16 NYCRR § 86.3[a][2]) also require submission of NYSDOT maps showing the relationship of the proposed facility to the applicant's overall system with respect to: (i) any existing facility related to the proposed facility; (ii) any structure to be built on or adjacent to the right of way; (iii) each point of interconnection; and (iv) nearby, crossing or connecting rights of way or facilities of other utilities at a 1:250,000 scale to show the relationship of the proposed facility to the overall bulk electric system. Canisteo Wind requests a waiver of this requirement and authorization to submit recent editions of USGS maps to depict the information required by 16 NYCRR § 86.3(a)(2). Canisteo Wind does not propose to change the scale of the maps required under the regulations (scale 1:250,000) and does not request waiver of any other requirement in this section of the regulations. Canisteo Wind asserts that the USGS maps are sufficient to show the relationship of the transmission and wind facilities to interconnected electrical systems and therefore are consistent with the requirements set forth in 16 NYCRR § 85-2.9(d) and (e).

The regulations further require submission of NYSDOT maps to show the location of any alternative route considered for the transmission facility. 16 NYCRR § 86.4(b). Canisteo Wind requests that the Commission waive the requirement to submit NYSDOT maps and proposes instead to submit recent editions of USGS maps to display the alternative routes considered. Canisteo Wind asserts that the USGS maps will provide the requested information and are consistent with the Commission's application requirements set forth in 16 NYCRR § 85-2.9(d) and (e).

The full text of the motion, the application, and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action 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: 60 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.

(19-T-0041SP1)

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

Transfer of Electric Transmission Assets, a Substation, and Approvals to Consolidated Edison Company of New York, Inc.

I.D. No. PSC-06-19-00007-P

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

Proposed Action: The Commission is considering a petition filed by

Cricket Valley Energy Center, LLC and Consolidated Edison Company of New York, Inc. (Con Edison) to transfer to Con Edison electric transmission assets, a substation and related approvals.

Statutory authority: Public Service Law, sections 2(12), (13), 5(1)(b), 64, 65, 66, 68, 69, 69-a, 70, 71, 72 and 121

Subject: Transfer of electric transmission assets, a substation, and approvals to Consolidated Edison Company of New York, Inc.

Purpose: Consider the transfer of electric transmission assets, a substation, and related approvals as per prior orders and agreements.

Substance of proposed rule: The New York State Public Service Commission (Commission) is considering a petition, filed on January 17, 2019, by Cricket Valley Energy Center, LLC (Cricket Valley) and Consolidated Edison Company of New York, Inc. (Con Edison) requesting approvals to transfer from Cricket Valley to Con Edison: (1) an approximately 14.6-mile, 345 kilovolt (kV) transmission line and an approximately 3.4-mile segment of existing 345 kV transmission line, together with related improvements to Con Edison's Pleasant Valley Substation (the Transmission Facilities), which facilities are located in the Towns of Dover, Union, Vale, LaGrange, and Pleasant Valley, New York; (2) a gas-insulated switchgear substation and switchyard (the GIS Substation) located in Dover, New York; and (3) part or all of the Certificate of Environmental Compatibility and Public Need (Certificate) issued by the Commission pursuant to Article VII of the Public Service Law (PSL) to authorize the ownership, maintenance, and operation of the Transmission Facilities.

Petitioners explain that Cricket Valley is developing a combined cycle, natural gas-powered 1,177 megawatt electric generating facility (the Facility) that will interconnect with Con Edison's bulk power system at a substation located in Pleasant Valley, New York. According to Petitioners, the Commission order granting the Certificate directed Cricket Valley to transfer the subject assets and Certificate to Con Edison pursuant to PSL § 70 and 121, respectively, and at no cost to Con Edison or its ratepayers. Petitioners explain that the agreement governing Facility interconnection with the bulk electric system also requires Cricket Valley to transfer the Transmission Line and GIS Substation to Con Edison. Petitioners also propose an accounting treatment for the transferred assets that they represent would avoid having Con Edison ratepayers bear responsibility for costs associated with the Facility.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action 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: 60 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.

(19-E-0045SP1)