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.

State Commission of Correction

NOTICE OF ADOPTION

Necessary Age for Admission to an Adult Lockup

I.D. No. CMC-42-18-00001-A
Filing No. 1179
Filing Date: 2018-12-18
Effective Date: 2019-01-02

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

Action taken: Amendment of section 7501.1(c) of Title 9 NYCRR.

Statutory authority: Correction Law, section 45(6) and (15)

Subject: Necessary age for admission to an adult lockup.

Purpose: To ensure that individuals under 17 years old are not admitted to an adult lockup.

Text or summary was published in the October 17, 2018 issue of the Register, I.D. No. CMC-42-18-00001-EP.

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

Text of rule and any required statements and analyses may be obtained from: Deborah Slack-Bean, NYS Commission of Correction, 80 S. Swan St., 12th Floor, Albany, New York 12210, (518) 485-2346, email: Deborah.Slack-Bean@scoc.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 2023, 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.

Education Department

EMERGENCY RULE MAKING

To Implement New York State's Every Student Succeeds Act (ESSA) Plan

I.D. No. EDU-19-18-00006-E
Filing No. 1180
Filing Date: 2018-12-18
Effective Date: 2018-12-18

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

Action taken: Amendment of sections 100.2(ff), (m), 100.18, 100.19, Part 120; addition of section 100.21 to Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 112, 207, 210, 215, 305, 309, 3713; Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq. (Public Law 114-95, 129 STAT. 1802)

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

Specific reasons underlying the finding of necessity: On December 10, 2015, the Every Student Succeeds Act (ESSA) was signed into law by President Obama. This bipartisan measure reauthorized the 50-year-old Elementary and Secondary Education Act, which provides federal funds to improve elementary and secondary education in the nation's public schools and requires states and school districts, as a condition of funding, to take a variety of actions to ensure all children, regardless of race, income, background, or where they live, receive the education they need to prepare them for success in postsecondary education, careers, and citizenship. New York State receives approximately $1.6 billion annually in funding through ESSA.

After an extensive, 18-month long public engagement process, the Department, with Board approval, submitted New York State's ESSA plan to the USDE for review on September 17, 2018. Subsequently, the Department met regularly with the USDE to provide clarifications on the plan. On January 17, 2018, the USDE approved the State's plan. In January 2018, the Department provided the Board of Regents with an update on the approved plan and in March 2018, the Department provided an update regarding the financial transparency requirements related to ESSA. In April 2018, the Department provided Board of Regents with a detailed summary of the proposed amendment and the Board of Regents voted to authorize Department staff to publish the proposed amendment in the State Register for the 60-day public comment period so that the Department had an opportunity to receive as much public comment as possible before adoption as an emergency rule for the 2018-2019 school year, as required under ESSA.

In order to implement the State's USDE approved ESSA Plan and to prepare for implementation of the plan beginning with the 2018-19 school year, a new section 100.21 and amendments to Commissioner's Regulations sections 100.2(ff), 100.2(m), 100.18, 100.19 and Part 120 were made to align the Commissioner's Regulations with the approved ESSA plan, relating to New York State's updated accountability system.

A Notice of Proposed Rulemaking was published in the State Register on May 9, 2018 and based on comments from the field, revisions were made to the proposed amendment. As a result, a Notice of Emergency Adoption and Revised Rule Making was published in the State Register on July 18, 2018. Based on comments received during the public comment

period on the revised rule making, the Department made further revisions to the regulation and a Notice of Emergency Adoption and Revised Rule Making was published in the State Register on October 3, 2018. A Notice of Revised Rulemaking will also be published on December 26, 2018. Because the Board of Regents meets at scheduled intervals, the February 2019 Regents meeting is the earliest the proposed rule could be presented for adoption, after expiration of the 30-day public comment period required under the State Administrative Procedure Act for a revised rulemaking. However, since the 2018-2019 school year began on July 1, 2018 emergency adoption is necessary for the preservation of the general welfare to ensure that the emergency rule adopted at the June 2018 Regents and the revisions adopted at the September and December 2018 Regents meetings remain continuously in effect until the rule can be adopted as a permanent rule in order to timely implement New York State's approved ESSA plan, so that school districts may timely meet school/school district accountability requirements for the 2018-2019 school year and beyond, consistent with the approved ESSA plan and pursuant to statutory requirements. It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at its February 2019 meeting.

Subject: To implement New York State's Every Student Succeeds Act (ESSA) plan.

Purpose: Implement NY's USDE-approved ESSA plan and to comply with the provisions of the Elementary and Secondary Education Act of 1965.

Substance of emergency rule (Full text is posted at the following State website: http://www.counsel.nysed.gov/rulesandregs): The Commissioner of Education proposes to amend sections 100.2(ff), 100.2(m), 100.18, 100.19 and Part 120 of the Regulations of the Commissioner of Education relating to Relating to the implementation of the State's Approved Every Student Succeeds Act (ESSA) Plan. The following is a summary of the proposed rule:

The proposed amendment to subdivision 100.2(ff) relates to the enrollment of youth released or conditionally released from residential facilities. This amendment clarifies the existing requirement that districts designate an employee(s) to be the transition liaison(s) with residential facility personnel, parents, students, and State and other local agencies for the purpose of facilitating a student's effective educational transition into, between, and out of such facilities to ensure that each student receives appropriate educational and appropriate supports, services, and opportunities; and this amendment also provides an overview of the duties of the liaison(s).

The proposed amendment to subdivision 100.2(m) relates to requirements for the New York State report card for schools and districts. This amendment updates the information to be provided in report cards to align with the provisions of ESSA and requires local educational agencies (LEAs) to post the local report cards on their website, where one exists, to satisfy ESSA's local report card requirements. If an LEA does not operate a website, the LEA must provide the information to the public in another manner determined by the LEA.

The proposed amendments to 100.18 clarify that this section, which contains provisions relating to implementation of New York's approved ESEA flexibility waiver, only applies to accountability designations made prior to July 1, 2018, except as otherwise provided in the new section 100.21.

In order to implement the State's approved ESSA plan, the proposed amendments to section 100.19 clarify that Failing Schools means schools that have been identified as Priority Schools and/or Comprehensive Support and Improvement Schools (CSI) for at least three consecutive years. (See Attachment A for criteria for identification of a Comprehensive Support and Improvement School.) These amendments also clarify that beginning with the 2018-19 school year, removal from receivership will be based upon a school's status as a CSI rather than as a Priority School.

The proposed creation of section 100.21 implements the new accountability and support and interventions of the State's approved ESSA plan commencing with the 2018-2019 school year. Such provisions shall include, but not be limited to, the following:

- Subdivision (a) sets forth an applicability clause which says that section 100.21 supersedes paragraphs (p)(1) through (11) and (14) through (16) of section 100.2 and section 100.18, which are the provisions of Commissioner's Regulations that were in place under the No Child Left Behind Act (NCLB) and the Department's Elementary and Secondary Education Act (ESEA) flexibility waiver, and that the new section 100.21 shall apply in lieu of such provisions during the period of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, and any revisions and extensions thereof, except as otherwise provided in section 100.21. If a provision of section 100.2(p) or of section 100.18 conflicts with section 100.21, the provisions of section 100.21 shall prevail.
- Subdivision (b) defines various terms, which are divided into general definitions, definitions related to school and district accountability, definitions related to school and district accountability designations, and definitions related to interventions for designated schools and districts to implement the new accountability system in New York State's approved ESSA plan.
- Subdivision (c) outlines the procedures and requirements for registration of public schools, which remain the same as under the previous accountability regulations.
- Subdivision (d) relates to the requirements for the registration of public schools.
- Subdivision (e) provides that, commencing with the 2017-2018 school year results, the Commissioner will annually review the performance of all public schools, charter schools, and school districts in the State. The Commissioner shall determine whether such public school, charter school or school district shall be identified for Comprehensive Support and Improvement (CSI), Targeted Support and Improvement (TSI), or identified as a Target District in accordance with the criteria set forth in subdivision (f) of the regulation.
- Subdivision (f) specifies the differentiated accountability methodology by which schools will be identified as either CSI (which will be identified every three years beginning with the 2018-2019 school year using 2017-2018 school year results) or TSI (which will be identified annually beginning with the 2018-2019 school year), and the methodology for identifying Target Districts. This section describes how six indicators (composite performance, student growth, combined composite performance and growth, English language proficiency, academic progress, and chronic absenteeism) are used in the methodology for identification of elementary and middle schools. This section also details how seven indicators (composite performance; graduation rate; combined composite performance and graduation rate; English language proficiency; academic progress; chronic absenteeism; and college, career, and civic readiness) are used in the methodology for identifying high schools. This subdivision also explains how each of these indicators is computed, how these computations are converted into a Level 1-4 for each accountability group for which a school or district is accountable, and how these levels assigned to the accountability groups are used to determine whether a school will be identified as in Good Standing, TSI, or CSI, and whether a district will be identified as a District in Good Standing or a Target District. This subdivision also contains provisions regarding the identification of high schools for CSI based on graduation rates below 67% beginning with 2017-18 school year results. In addition, this subdivision contains provisions regarding the identification of TSI schools for additional support as required by ESSA if an accountability group for which a school is identified performs at a level that would have caused the school to be identified as CSI if this had been the performance of the "all students" group.
- Subdivision (g) provides that preliminarily identified CSI and TSI schools and Target Districts shall be given the opportunity to provide the Commissioner with any additional information concerning extenuating or extraordinary circumstances faced by the school or district that should be cause for the Commissioner to not identify the school as CSI or TSI or the district as a Target District.
- Subdivision (h) establishes the public notification requirements upon receipt of a designation of CSI or TSI school or a Target District.
- Subdivision (i) specifies the interventions that must occur in schools identified as CSI or TSI, as well as districts identified as Target Districts. This section describes the requirements for identified schools as they relate to parental involvement, participatory budgeting, school comprehensive education plans, and school choice. This subdivision also describes the increased support and oversight that schools that fail to improve will receive. This subdivision also outlines the interventions for schools that, beginning with 2017-18 and 2018-19 school year results, has a Weighted Average Achievement Level of 1 or 2 and that fails for two consecutive years to meet the 95% participation rate requirement for annual state assessments for the same accountability group for the same accountability measure and are not showing improvement in the participation rate for that accountability group. This subdivision also specifies the support that districts must provide to a school that is not CSI or TSI but has performed at Level 1 for an accountability group for an accountability measure.
- Subdivision (j) establishes the criteria for a school's or a district's removal from an accountability designation.
- Subdivision (k) provides the criteria for the identification of schools for public school registration review. Under this subdivision, the Commissioner may place under preliminary registration review any school identified for receivership; any school that is identified as CSI for three consecutive years; and any school that has been identified as a poor learning environment. Also, under this subdivision, a school under registration review shall also be identified as a CSI school, and subject to all the requirements of that designation.
- Subdivision (l) specifies the process by which the Commissioner will place a school under registration review; and the required actions of the

district and the school related to the designation. This subdivision also describes the requirements for receivership schools that have also been identified for registration review.

• Subdivision (m) specifies the criteria and process for removal of schools from registration review, school phase-out or closure.

The proposed amendments to Part 120 update provisions in the existing regulations pertaining to the sunsetting of No Child Left Behind requirements regarding highly qualified teachers and provide for the continuation under ESSA of provisions pertaining to persistently dangerous schools and unsafe school choice and updates to public school choice provisions.

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. EDU-19-18-00006-P, Issue of May 9, 2018. The emergency rule will expire February 15, 2019.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, 89 Washington Avenue, Room 148, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Summary of Regulatory Impact Statement (Full text is posted at the following State website:http://www.counsel.nysed.gov/rulesandregs):

1. STATUTORY AUTHORITY:

Ed.L.§ 101 continues existence of Education Department, with Board of Regents as its head, and authorizes Regents to appoint Commissioner of Education as Department's Chief Administrative Officer, which is charged with general management and supervision of all public schools and educational work of State.

Ed.L.§ 112(1) authorizes Commissioner to require schools and school districts to facilitate the prompt enrollment of children who are released or conditionally released from residential facilities.

Ed.L.§ 207 empowers Regents and Commissioner to adopt rules and regulations to carry out State education laws and functions and duties conferred on the Department.

Ed.L.§ 210 authorizes Regents to register domestic and foreign institutions in terms of State standards, and fix the value of degrees, diplomas and certificates issued by institutions of other states or countries and presented for entrance to schools, colleges and professions in the State.

Ed.L.§ 215 authorizes Commissioner to require schools and school districts to submit reports containing such information as Commissioner shall prescribe.

Ed.L.§ 305(1) and (2) provide Commissioner, as chief executive officer of the State's education system, with general supervision over all schools and institutions subject to the Education Law, or any statute relating to education, and responsibility for executing all educational policies of the Regents.

Ed.L.§ 305(20) provides Commissioner shall have such further powers and duties as charged by the Regents.

Ed.L.§ 309 charges Commissioner with general supervision of boards of education and their management and conduct of all departments of instruction.

Ed.L.§ 3713(1) and (2) authorize State and school districts to accept federal law making appropriations for educational purposes and authorize Commissioner to cooperate with federal agencies to implement such law.

The Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq.(Public Law 114-95, 129 STAT.1802).

2. LEGISLATIVE OBJECTIVES:

The proposed rule is consistent with the above statutory authority and is necessary to implement New York's approved ESSA plan and to comply with the provisions of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq. (Public Law 114-95, 129 STAT. 1802).

3. NEEDS AND BENEFITS:

On December 10, 2015, ESSA was signed into law by President Obama. This bipartisan measure reauthorized the 50-year-old ESEA, which provides federal funds to improve elementary and secondary education in the nation's public schools and requires states and school districts, as a condition of funding, to take a variety of actions to ensure all children, regardless of race, income, background, or where they live, receive the education they need to prepare them for success in postsecondary education, careers, and citizenship. New York State receives approximately $1.6 billion annually in funding through ESSA.

After an extensive, 18-month long public engagement process, the Department, with Board approval, submitted New York State's ESSA plan to the USDE for review on September 17, 2018. On January 17, 2018, the USDE approved the State's plan. In April 2018, the Department provided the Board of Regents with a description of the draft regulatory terms and the Board directed the Department to finalize the draft regulatory terms for publication in the State Register.

The rule will ensure a seamless transition to the revised accountability plan as authorized under the approved ESSA plan, and provide school districts with the opportunity to demonstrate improvements by creating improvement plans that address the needs and resource issues found in identified schools.

For the complete Regulatory Impact Statement please visit the following website: http://www.counsel.nysed.gov/rulesandregs

4. COSTS:

Cost to the State: The proposed rule does not generally impose any new costs beyond those consistent with the provisions of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq. (Public Law 114-95, 129 STAT. 1802).

Costs to local government: The rule does not generally impose any new costs beyond those consistent with the provisions of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq. (Public Law 114-95, 129 STAT. 1802).

Based upon the requirements described in the rule to implement certain activities based upon a school or district's accountability status, there may be some associated costs. These activities, include, but are not necessarily limited to, annual notifications of accountability status; participation in comprehensive needs assessments; conduct of parent, staff and student surveys; and development and implementation of improvement plans. For school districts with schools receiving under Titles I, IIA or III, these funds may be used to pay the associated costs. CSI schools that fail to show progress on their Annual Achievement Progression targets for two consecutive years will be required to enter into a partnership with a BOCES, Regional Bilingual Education Resource Network, Teacher Center or other Regional Technical Assistance Center, or other technical assistance provider as determined by the Commissioner to support the implementation of the Comprehensive Education Plan. Depending on the nature of such partnership, and whether such partnership already exists, a school district may incur costs to implement this provision of the regulations.

In some instances, school districts newly identified as Target Districts with schools that are designated as CSI or TSI that do not receive Title I funding may incur costs. These costs will generally be limited to the cost of site visits and implementation of any elements of District Comprehensive Education Plans and Comprehensive Education Plans that involve activities that are in addition to the district's or the school's regular educational program and that the district chooses not to fund through reallocation of existing resources. However, it is anticipated that non-Title I schools will be eligible to receive federal 1003 School Improvement Grants that can be used to fund these activities.

Districts that have schools that fail to meet the 95% participation rate requirements must develop a participation rate improvement plan, which in some cases beginning in the 2021-22 school year shall include partnering with a BOCES or other technical assistance provider to conduct a participation rate audit and for schools that fail to meet certain conditions, to update such participation rate improvement plan. Because these partnerships will likely vary significantly in cost based on the number of schools for which a plan is required no estimate can be made at this time regarding required costs. Similarly districts that have schools that will be closed or phased out as a consequence of these regulations may incur costs in developing and implementing a closure or phase out plan.

In other instances, school districts and their schools will be designated as in Good Standing, when under the present accountability system these school districts and schools might otherwise have been designated as Priority, Focus or Local Assistance Plan schools. In these cases, school districts may incur cost savings as they will no longer be required to participate in site visits or in the other previously required interventions for districts and schools with such designations. In addition, a number of previous requirements for schools identified as Priority or Focus have been reduced or eliminated, thereby providing districts with increased flexibility in use of funds. For example, the current requirement for Title I Schools that are designated as Priority and Focus Schools to offer public school choice has been replaced by a substantially more limited public school choice program for a subset of Comprehensive Support and Improvement Schools.

Because of the number of school districts and schools involved, and the fact that the allowable services and activities to be provided will vary greatly from district-to-district, as well as school-to-school, depending on the school and district designation, the district's choices, and the needs presented in each school, a complete cost statement cannot be provided. No additional costs have been identified with respect to the implementation of the updated accountability system, given the similarities in current requirements and an inability to determine differences aside from those in respect to depth of focus.

Cost to private regulated parties: None.

Cost to regulating agency for implementation and continued administration of this rule: None.

5. LOCAL GOVERNMENT MANDATES:

The rule is necessary to assist school districts to be able to meet the provisions of New York's approved ESSA plan. The proposed regulation will require districts with schools identified as CSI or TSI to make significant changes to the educational programs. See the response to Question #3, Needs and Benefits.

6. PAPERWORK:

The proposed rule generally contains paperwork requirements consistent with those in existing regulations and does not generally impose any new paperwork requirements beyond those consistent with the above statutory authority and the provisions of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq. (Public Law 114-95, 129 STAT. 1802). For further information please see the above response to Question #3, Needs and Benefits.

7. DUPLICATION:

The rule does not duplicate existing State or federal regulations.

8. ALTERNATIVES:

After an extensive, 18-month long public engagement process, the Department, with Board approval, submitted New York State's ESSA plan to the USDE for review on September 17, 2018 which was approved on January 17, 2018. The proposed rule is necessary conform Commissioner's Regulations to New York's approved ESSA plan.

9. FEDERAL STANDARDS:

The rule is necessary to conform regulations to New York's approved ESSA plan and the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, 20U.S.C.§ 6301 et seq. (Public Law 114-95, 129 STAT.1802).

10. COMPLIANCE SCHEDULE:

It is anticipated that parties will be able to timely implement the rule's requirements beginning with its effective date.

Regulatory Flexibility Analysis

A Notice of Proposed Rulemaking was published in the State Register on May 9, 2018. A Notice of Emergency Adoption and Revised Rule Making was published in the State Register on July 18, 2018. A second Notice of Emergency Adoption and Revised Rule Making was published in the State Register on October 3, 2018. A Notice of Emergency Adoption was published in the State Register on November 21, 2018. However, no revisions are required to the previously published Regulatory Flexibility Analysis for Small Businesses and Local Governments published on October 3, 2018.

Rural Area Flexibility Analysis

A Notice of Proposed Rulemaking was published in the State Register on May 9, 2018. A Notice of Emergency Adoption and Revised Rule Making was published in the State Register on July 18, 2018. A second Notice of Emergency Adoption and Revised Rule Making was published in the State Register on October 3, 2018. A Notice of Emergency Adoption was published in the State Register on November 21, 2018. However, no revisions are required to the previously published Rural Area Flexibility Analysis published on October 3, 2018.

Job Impact Statement

A Notice of Proposed Rulemaking was published in the State Register on May 9, 2018. A Notice of Emergency Adoption and Revised Rule Making was published in the State Register on July 18, 2018. A second Notice of Emergency Adoption and Revised Rule Making was published in the State Register on October 3, 2018. A Notice of Emergency Adoption was published in the State Register on November 21, 2018. However, no revisions are required to the previously published Job Impact Statement published on October 3, 2018.

Assessment of Public Comment

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

Department of Financial Services

NOTICE OF ADOPTION

Valuation of Life Insurance Reserves; Recognition of the 2001 CSO Mortality Table and the 2017 CSO Mortality Table, et al

I.D. No. DFS-42-18-00003-A
Filing No. 1181
Filing Date: 2018-12-18
Effective Date: 2019-01-02

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

Action taken: Amendment of Parts 98 and 100 (Regulations 147 and 179) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301, 1304, 1308, 4217, 4218, 4221, 4224, 4240 and 4517

Subject: Valuation of Life Insurance Reserves; Recognition of the 2001 CSO Mortality Table and the 2017 CSO Mortality Table, et al.

Purpose: To recognize mortality improvement for applicable policies issued prior to 1/1/2019 if optionally elected.

Substance of final rule: Section 98.4(b)(5)(ii), (iii) and (vii)(b)(2) are amended to specify that mortality improvement for varying premium term life insurance policies and universal life insurance policies that guarantee coverage will remain in force as long as the accumulation of premiums paid satisfies the secondary guarantee requirement may only be recognized for policies issued on or after January 1, 2015 and prior to January 1, 2017, or on or after January 1, 2015 and prior to January 1, 2019 if optionally elected.

Section 98.6(a)(1) (a)(7), (b)(1)(ii) and (b)(2) are amended to specify that the reserve methodology specific to varying premium term life insurance policies may only be applied for policies issued on or after January 1, 2015 and prior to January 1, 2017, or on or after January 1, 2015 and prior to January 1, 2019 if optionally elected subject to the conditions set forth in section 98.6(a)(1)(iii).

Section 98.7(b)(1)(iv) and (v) are amended to specify that mortality improvement for universal life insurance policies that guarantee coverage will remain in force as long as the accumulation of premiums paid satisfies the secondary guarantee requirement may only be recognized for policies issued on or after January 1, 2015 and prior to January 1, 2017, or on or after January 1, 2015 and prior to January 1, 2019 if optionally elected.

Section 98.9(c)(2)(viii)(b)(2) and (e) are amended to specify that the lapse rate assumption of no more than two percent for the first five years, followed by a rate of no more than one percent for the remaining life of the contract for universal life insurance policies that guarantee coverage will remain in force as long as the accumulation of premiums paid satisfies the secondary guarantee requirement may only be assumed for policies issued on or after January 1, 2015 and prior to January 1, 2017, or on or after January 1, 2015 and prior to January 1, 2019 if optionally elected subject to the conditions set forth in section 98.9(c)(2)(viii)(b)(2)(iii).

Section 100.6(a)(2), (3), (7) and (8) are amended to specify that mortality improvement for varying premium term life insurance policies may only be recognized for policies issued on or after January 1, 2015 and prior to January 1, 2017, or on or after January 1, 2015 and prior to January 1, 2019 if optionally elected.

Section 100.11(a), (b) and (c) are amended to specify that mortality improvement for varying premium term life insurance policies may only be recognized for policies issued on or after January 1, 2015 and prior to January 1, 2017, or on or after January 1, 2015 and prior to January 1, 2019 if optionally elected subject to the conditions set forth in section 100.11(b).

Section 100.12(a), (b) and (c) are amended to specify that mortality improvement for universal life insurance policies that guarantee coverage will remain in force as long as the accumulation of premiums paid satisfies the secondary guarantee requirement may only be recognized for policies issued on or after January 1, 2015 and prior to January 1, 2017, or on or after January 1, 2015 and prior to January 1, 2019 if optionally elected subject to the conditions set forth in section 100.12(b).

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 98.6(a)(1), 98.9(c)(2), 100.11(b) and 100.12(b).

Text of rule and any required statements and analyses may be obtained from: Amanda Fenwick, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 474-7929, email: amanda.fenwick@dfs.ny.gov

Revised Job Impact Statement
The amendments to Insurance Regulations 147 and 179 should have no impact on jobs and employment opportunities. The amendments modify Insurance Regulations 147 and 179 to specify that two prior amendments to the regulations (i.e., the Fifth and Sixth Amendments to Regulation 147 and the Third and Fourth Amendments to Regulation 179) shall only apply to policies issued on or after January 1, 2015 and prior to January 1, 2017, or on or after January 1, 2015 and prior to January 1, 2019 with written notification provided to the Superintendent by January 31, 2019. The concurrent amendments to Insurance Regulations 147 and 179 allow insurers to apply these two prior amendments, if optionally elected, for one additional year of policy issues. Insurers should not need to hire additional employees or independent contractors to comply with these amendments.

Assessment of Public Comment
The agency received no public comment.

New York State Gaming Commission

NOTICE OF ADOPTION

Heads Up Hold 'Em Poker

I.D. No. SGC-38-18-00002-A
Filing No. 1174
Filing Date: 2018-12-17
Effective Date: 2019-01-02

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

Action taken: Addition of Part 5324.43 to Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1307(1), (2)(g), 1335(5), (6) and (11)

Subject: Heads Up Hold 'Em poker.

Purpose: To set forth the practices and procedures for the operation of Heads Up Hold 'Em poker as a casino table game.

Text or summary was published in the September 19, 2018 issue of the Register, I.D. No. SGC-38-18-00002-P.

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

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, 6th Floor, Schenectady, NY 12305, (518) 388-3332, email: gamingrules@gaming.ny.gov

Initial Review of Rule
As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2023, 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.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Treatment of Thoroughbred Horses with Ultrasound or Electro/Medical Equipment Before a Race

I.D. No. SGC-01-19-00002-P

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

Proposed Action: Amendment of section 4043.13 of Title 9 NYCRR.

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

Subject: Treatment of thoroughbred horses with ultrasound or electro/medical equipment before a race.

Purpose: To enhance the safety and integrity of pari-mutuel racing.

Text of proposed rule: Section 4043.13 of 9 NYCRR would be amended as follows:

§ 4043.13. Other prohibitions.

No person shall, attempt to, or cause, solicit, request, or conspire with another or others to:

(a) use or possess any electrical device, "joint," "battery," electric prod, or any other electrical equipment or any mechanical or other appliance not generally accepted as regular racing equipment that can be used to stimulate, depress, goad, spur, retard or condition a horse during a race or during training. The use of ultrasonic, diathermy or other electro/medical equipment is permissible until 24 hours before the [start of a racing program,] *scheduled post time of the race in which the horse is to compete,* and whirlpool until race time. However, the stewards may bar the possession or use of any specific equipment;

Text of proposed rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500, (518) 388-3332, email: gamingrules@gaming.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.

Regulatory Impact Statement

1. Statutory authority: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") §§ 103(2) and 104(1, 19). Under § 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of § 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of § 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. Legislative objectives: To enhance the safety and integrity of pari-mutuel racing.

3. Needs and benefits: This rule making is needed to improve our thoroughbred rules with regard to permitted prerace treatment.

Section 4043.13 of 9 NYCRR currently permits the use of ultrasonic and electro/medical equipment on race day until 24 hours before the start of the race program. On major race dates with additional races and an earlier than normal commencement of the race program, it is difficult for horsepersons to have access to and treat their horses with the ultrasonic and electro/medical equipment before this deadline.

The proposed amendment, which has the endorsement of the New York Thoroughbred Horsemen's Association, Inc., helps by permitting the equipment to be used until 24 hours before each horse's scheduled post time. The proposal would change this restricted time period for all races, for simplicity. This change will also conform to the Commission's medication rules. The 24-hour restricted time periods for substances administered to a horse before racing are based on the scheduled post time of a horse's race.

There will be no substantial effect on the race performance or integrity of the races the next day.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: These amendments will not add any new mandated costs to the existing rules. There is no cost to the regulated parties by using independent veterinarians.

(b) Costs to the agency, the state and local governments for the implementation and continuation of the rule: None. The amendments will not add any new costs. There will be no costs to local government because the Commission is the only governmental entity authorized to regulate pari-mutuel harness racing.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: N/A.

5. Local government mandates: None. The Commission is the only governmental entity authorized to regulate pari-mutuel thoroughbred racing activities.

6. Paperwork: There will be no additional paperwork.

7. Duplication: No relevant rules or other legal requirements of the state and/or federal government exist that duplicate, overlap or conflict with this rule.

8. Alternatives: There are no similarly practical alternatives.

9. Federal standards: There are no minimum standards of the federal government for this or a similar subject area.

10. Compliance schedule: The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rule.

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

A regulatory flexibility analysis for small business and local governments, a rural area flexibility analysis, and a job impact statement are not

required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

The proposal would permit the use of electro/medical equipment treatment of racehorses until 24 hours before post time of a horse's race, rather than 24 hours before the start of the race program. This change will make it easier for horsemen to have time to treat horses that are entered in later races, particularly on major race days when a large number of races are carded. The amendment would not change the kind of treatments or equipment that are used in horseracing.

This rule will not impose an adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Safety Helmet and Vest Requirements

I.D. No. SGC-01-19-00017-P

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

Proposed Action: Amendment of sections 4006.7 and 4006.8 of Title 9 NYCRR.

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

Subject: Safety helmet and vest requirements.

Purpose: To enhance the safety and integrity of pari-mutuel racing.

Text of proposed rule: Section 4006.7 of 9 NYCRR would be amended as follows:

§ 4006.7. Safety helmet required.

(a) Every [jockey, apprentice jockey and other rider, whether in a race or when exercising or ponying a thoroughbred horse,] *person working in the gate crew or mounted on horseback on the grounds of a racetrack* shall wear a *properly fastened* safety helmet [of a type approved in writing by the stewards. No change shall be made in any such helmet without the approval of the stewards]. *The gate crew means the starter and assistant starter and any person who handles a horse for the starter or assistant starter at the starting gate.*

(b) Each safety helmet shall provide a minimum level of shock absorbing protection to the head as evidenced by a label indicating compliance with one or more of the following product standards or with a standard that in the judgment of the executive director of the commission or his or her designee is comparable or superior:

(1) American Society for Testing and Materials, ASTM F1163-04a or F1163-15, Standard Specification for Protective Headgear Used in Horse Sports and Horseback Riding;

(2) European Norm, EN 1384:1996, Helmets for Equestrian Activities;

(3) British Standards Institute Product Approval Specification, PAS 015:2011, Specification for Helmets for Equestrian Activities;

(4) Interim European Standard, VG1 01.040: 2014-12 (with or without BSI Kitemark), Equestrian helmets;

(5) Australian Standards/New Zealand Standards, AS/NZS 3838:2006, Helmets for horse riding and horse-related activities;

(6) Australian Racing Board Helmet Safety Standard, ARB HS 2012;

(7) Snell Memorial Foundation (Snell) Equestrian Helmet Standard E2001 or E2016; or

(8) L'Union Technique de l'Automobile du Motocycle et du Cycle (UTAC) or CRITT Sport Loisirs (CRITT) 04/2015 standards.

(c) A safety helmet shall not be altered from its original manufactured design nor shall the product marking be removed or defaced.

Section 4006.8 of 9 NYCRR would be amended as follows:

§ 4006.8. Safety vests.

(a) Every person mounted on [No jockey, apprentice jockey, or exercise rider, pony person or outrider shall participate in any race, train, exercise, or pony any] horseback on [such] *the* grounds [conducted by any association or corporation licensed or franchised by the commission to conduct thoroughbred race meetings unless he or she wears a] *of a racetrack shall wear a properly fastened* safety vest.

(b) [Such safety vest] *Each safety vest* shall weigh no more than [two] *four* pounds and [shall be designed to] provide *a minimum level of* shock absorbing protection to the upper body[,] as evidenced by a label [with at least a rating of British Equestrian Trade Association (BETA) [2000/2009 Level 1] *indicating compliance with one or more of the following product standards* or *with* a standard that in the judgment of the [stewards] *executive director of the commission or his or her designee* is comparable *or superior*:

(1) British Equestrian Trade Association (BETA) Standard for Body and Shoulder Protectors for Equestrian Use, BETA 2009 Level 1;

(2) European Norm, EN 13158:2009 Level 1, Protective Clothing for equestrian use; or

(3) American Society for Testing and Materials, ASTM F2681-08 or F1937-04, Standard Specification for Body Protectors Used in Horse Sports and Horseback Riding.

(c) A safety vest shall not be altered from its original manufactured design nor shall the product marking be removed or defaced.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500, (518) 388-3332, email: gamingrules@gaming.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.

Regulatory Impact Statement

1. STATUTORY AUTHORITY: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing Pari-Mutuel Wagering and Breeding Law sections 103(2) and 104(1, 19).

Under Section 103(2), the Commission is responsible to supervise, regulate, and administer all horse racing and pari-mutuel wagering activities in the State.

Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities.

Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. LEGISLATIVE OBJECTIVES: To enhance the integrity and safety of Thoroughbred racing.

3. NEEDS AND BENEFITS: This rulemaking will update the requirements for safety helmets and vests on the grounds of Thoroughbred tracks.

Section 4006.7 of 9 NYCRR currently requires jockeys, pony riders and other riders on the grounds of a Thoroughbred track to wear a helmet, approved by the Stewards, when racing, exercising or ponying a horse. The proposal will instead specify the applicable, current equine product standards, at least one of which a helmet must meet, and permit compliance with revised versions of such standards unless the Commission determines that any such change shall not be accepted. The proposal extends the requirement to wear such a helmet any person who is mounted on a horse or working in the starting gate crew on such tracks and will also require that the helmet be properly fastened.

Section 4006.8 currently requires jockeys, pony and other riders on the grounds of a Thoroughbred track to wear a safety vest that complies with British Equestrian Trade Association (BETA) 2000/2009 Level 1, or a standard that in the judgment of the stewards is comparable, when racing, exercising or ponying a horse. The proposal will require 2009 Level 1 and replace the judgment of the stewards with other acceptable product standards. The vest must meet at least one of these standards, and the proposal will permit compliance with revised versions of such standards unless the Commission determines that any such change shall not be accepted. The proposal will extend the requirement to wear such a vest to any person mounted on a horse on such tracks. The proposal would increase the permitted vest weight from two to four pounds, consistent with newer product standards, and would require that the vest be properly fastened.

The proposed amendments are based on a report from Marsh Risk Consulting that was commissioned by The Jockey Injury Compensation Fund to assess operational risks in New York Thoroughbred racing and input from the stewards at New York State tracks, The Jockey Guild, and the New York Thoroughbred Horsemen's Association (NYTHA).

4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: Most jockeys and exercise riders are already using helmets and vests that meet the newer, approved industry standards. The other persons (e.g., trainers) whom the amendments would require on the grounds of a track to wear such helmets and vests are already using them.

The only costs will be the cost to replace helmets or vests that are outdated and do not meet at least one of the newer industry product standards. The riders with outdated equipment at NYRA race meetings, where the horsemen's organization is offering $150 to assist riders to purchase new equipment, is estimated by the stewards to be about 50 to 100 persons. The jockeys and trainers at Finger Lakes Race Track (FLRT), the other Thoroughbred track in New York, have the newer equipment. FLRT is contributing $100 to help pay for a new vest, and the stewards estimate that 10 persons (exercise riders) do not have newer helmets or

vests. The average cost for an approved helmet and vest is $500 ($300 and $200, respectively). This cost ranges, respectively, from $100 and $160 for less comfortable models to $1000 and $550 for advanced products.

There will be no new costs for the outriders and starting gate crews, who are employed by the Thoroughbred tracks, because the tracks have already upgraded their employees' equipment to the new safety standards. The amendments would not add other mandated costs to the existing rules.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: There will be no costs to local governments because they do not regulate pari-mutuel racing activities. There will be no new costs to the Gaming Commission, which already monitors that proper equipment is used. All races are viewed by the stewards who can see what equipment is being used by the gate crew and the persons mounted on horses. The state steward is also able to conduct inspections of the equipment of all such persons, including when training, whose equipment can be readily produced and examined.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: The average cost of compliant helmets and vests is known from the recent program conducted by horsemen's organizations to assist all riders to update their equipment. The range of costs is known through an internet search of available products online.

5. LOCAL GOVERNMENT: None. The Commission is the only governmental entity authorized to regulate pari-mutuel horse racing activities.

6. PAPERWORK: There will be no additional paperwork.

7. DUPLICATION: None.

8. ALTERNATIVES: The Commission considered not amending its current rules. Adopting this proposal, however, provides an assurance to insurance providers that the stewards are requiring helmets and vests that meet current product standards in the industry, that any person mounted on a horse on the grounds of a Thoroughbred track will be wearing such a helmet and vest, and that the starting gate crew will be wearing such helmets.

9. FEDERAL STANDARDS: None.

10. COMPLIANCE SCHEDULE: Once adopted, the rule can be implemented as soon as it is published in the State Register.

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

This proposal does not require a Regulatory Flexibility Analysis for Small Businesses, and Local Governments, Rural Area Flexibility Statement or Job Impact Statement since the amendment conforms the Commission's equipment rule for safety helmets and vests to what a majority of jockeys, pony and other riders, and safety gate crews are already using at the New York State Thoroughbred tracks. In addition, this rule does not affect small business, local governments, jobs or rural areas. Further, this proposal will not impose an adverse economic impact or reporting, record keeping or other compliance requirements on small businesses in rural or urban areas nor on employment opportunities. Due to the straightforward nature of the rulemaking, there is no need for the development of a small business regulation guide to assist in compliance. These provisions are clear as to what the permissible equipment is and what is necessary to comply with the rule.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Standards for Backstretch Housing and Related Facilities

I.D. No. SGC-01-19-00018-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 4047 to Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, section 104(1) and (19)

Subject: Standards for backstretch housing and related facilities.

Purpose: To create minimum standards for housing and related facilities offered to backstretch workers by racing associations.

Substance of proposed rule (Full text is posted at the following State website: https://www.gaming.ny.gov/proposed rules.php): The addition of Part 4047 of Subtitle T of Title 9 NYCRR will allow the New York State Gaming Commission ("Commission") to set forth standards for housing maintained on the grounds of certain facilities conducting horse racing.

Section 4047.1 sets forth the definitions used throughout the Part. Section 4047.2 establishes the requirements for an association to be subject to the regulations. Sections 4047.3 sets forth that an annual inspection is required. 4047.4 set forth the general maintenance, health, sanitary and safety obligations an association providing backstretch housing must meet. Section 4047.5 sets forth specific housing standards for buildings, rooms and dining facilities provided by associations. Section 4047.6 establishes notice and building requirements for new construction. Section 4047.7 sets forth requirements for bathroom and shower facilities. Section 4047.8 establishes requirements for laundry facilities. Section 4047.9 sets forth the standards for trash and refuse storage. Section 4047.10 requires abatement of pests and notice thereof. Section 4047.11 establishes responsibilities of backstretch housing occupants. Section 4047.12 establishes requirements for backstretch water supply. Section 4047.13 set forth requirements for an association to receive a variance or waiver.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, New York, (518) 388-3332, email: gamingrules@gaming.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.

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY: Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") section 104(19) grants authority to the Gaming Commission ("Commission") to promulgate rules and regulations that it deems necessary to carry out its responsibilities.

Racing Law section 103(2) sets forth that the Commission is responsible to supervise, regulate, and administer all horse racing and pari-mutuel wagering activities in the State.

Racing Law section 104(1) confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities.

2. LEGISLATIVE OBJECTIVES: The Commission is charged with enhancing the integrity and safety of thoroughbred and standardbred racing, which extends to the health, wellness and safety of individuals employed at and residing within racing facilities.

3. NEEDS AND BENEFITS: The proposed rules establish specific standards for housing, sanitary and dining facilities at racing entities. Currently there is a broad variance in the habitability of backstretch housing, with some facilities in a state of general disrepair. These rules will require that housing be habitable and safe, access to sanitary facilities be present and the Commission be notified regularly of the housing and related facilities.

These rules will benefit the backstretch workers who reside at a track facility and help ensure that racing in New York state is of the highest caliber by addressing housing and sanitary conditions. The rules specifically define what constitutes adequate housing, from the type of building materials, dimensions, ventilation, electrical supply and wiring, plumbing capabilities and the minimum quality standards for water used in such plumbing, number of points of egress from a housing facility and the quantity and type of smoke detectors and fire extinguishers that must be present in the home. The rules further define what constitutes sanitary conditions, both within a home and exterior areas, as to prevent standing water or other public health hazards.

4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: The Commission does not have data to precisely identify the impact of this proposed rule on race facilities that will need to improve housing, sanitary and dining facilities.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: There is no additional anticipated cost, but should the Commission procure persons to conduct the inspections required by proposed section 4047.3, there would be a cost to retain such persons for such task.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: The cost estimates are based on the Commission's experience regulating racing activities within the State and in consultation with other racing jurisdictions that have such standards in place.

5. LOCAL GOVERNMENT MANDATES: There are no local government mandates associated with these rules.

6. PAPERWORK: The rules impose paperwork burdens on a racing association to submit documentation in relation to the inspection of housing; injury, serious illness, death of a housing tenant; occurrence of a fire at the housing; renovation of existing housing or construction of new housing, dining or sanitary facilities; annual inspection and action taken regarding pest control; water treatment; interruptions or changes to water source; and any request for variance or waiver of regulatory requirements.

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

8. ALTERNATIVES: The Commission consulted stakeholders and reviewed other racing jurisdiction best practices and regulations. Alternatives were discussed and considered with stakeholders and compared to other jurisdiction regulations. These included the frequency of notifications required by the Commission, the types of notification and documentation required to be provided to the Commission.

9. FEDERAL STANDARDS: There are no federal standards applicable to the housing requirements of backstretch workers.

10. COMPLIANCE SCHEDULE: The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement
This proposal does not require a Regulatory Flexibility Statement, Rural Area Flexibility Statement or Job Impact Statement because the New York State horse racing tracks already provide backstretch housing. In addition, this rule does not affect small business, local governments, jobs or rural areas. Further, this proposal will not impose an adverse economic impact on reporting, record keeping or other compliance requirements on small businesses in rural or urban areas nor on employment opportunities. Due to the straightforward nature of the rulemaking, there is no need for the development of a small business regulation guide to assist in compliance. These provisions are clear as to what the permissible equipment is and what is necessary to comply with the rule.

Department of Motor Vehicles

NOTICE OF ADOPTION

FOIL - Denials to Access of Records

I.D. No. MTV-42-18-00004-A
Filing No. 1178
Filing Date: 2018-12-18
Effective Date: 2019-01-02

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

Action taken: Amendment of section 160.7(a) of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, section 215(a); Public Officers Law, sections 87(1)(b) and 89(4)

Subject: FOIL - denials to access of records.

Purpose: To permit the Commissioner to designate another person to hear FOIL appeals other than the Chair of the Appeals Board.

Text or summary was published in the October 17, 2018 issue of the Register, I.D. No. MTV-42-18-00004-P.

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

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

Assessment of Public Comment
The agency received no public comment.

Niagara Falls Water Board

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Adoption of Rates, Fees, and Charges

I.D. No. NFW-01-19-00019-EP
Filing No. 1182
Filing Date: 2018-12-18
Effective Date: 2019-01-01

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

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

Statutory authority: Public Authorities Law, section 1230-j

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

Specific reasons underlying the finding of necessity: The Niagara Falls Water Board recently considered estimates for its expenses and revenues for fiscal year 2019 commencing on January 1, 2019 and ending on December 31, 2019. As part of this consideration, the Board recognized an increase in expenses of operations and a projection of revenues from its existing ratepayers in the City of Niagara Falls and related service area. In addition, the Board considered its debt service and its covenants with its bondholders with respect to bonds that were issued as of the acquisition date. In order to maintain the Board on a sound financial status with sufficient resources to provide necessary water and wastewater services to all persons who use the System, the Board adopted an increase in the schedule of rates, fees, and charges.

Subject: Adoption of Rates, Fees, and Charges.

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

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

(a) This schedule sets forth the rates, fees and other charges applicable to the provision of water supply, wastewater and related services by the Niagara Falls Water Board to all property owners, users and other persons as of January 1, [2018] *2019*. All property owners, users and other persons who receive services from the water board shall pay to the water board the rates, fees and charges set forth in this schedule.

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

First 20,000 cu. ft. per quarter, [$3.35] *$3.42* per 100 cu. ft.

Next succeeding 60,000 cu. ft. per quarter, [$2.90] *$2.96* per 100 cu. ft.

Next succeeding 120,000 cu. ft. per quarter, [$2.46] *$2.51* per 100 cu. ft.

Over 200,000 cu. ft. per quarter, [$2.04] *$2.08* per 100 cu. ft.

The minimum charge for water consumed in any premises within the city for any quarter or portion thereof shall not be less than [$43.53] *$44.40*.

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

First 20,000 cu. ft. per quarter, [$8.95] *$9.13* per 100 cu. ft.

Next 60,000 cu. ft. per quarter, [$7.81] *$7.97* per 100 cu. ft.

Next succeeding 120,000 cu. ft. per quarter, [$6.51] *$6.64* per 100 cu. ft.

Over 200,000 cu. ft. per quarter, [$5.48] *$5.59* per 100 cu. ft.

The minimum charge for water consumed in any premises located outside the city for domestic purposes for any quarter or portion thereof shall not be less than [$116.35] *$118.68*.

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

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

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

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

Size and Type	Charge Per quarter
Under 1″ Disc	$3.70
1″ Disc	$25.00
1½″ Disc	$30.00
2″ Disc	$40.00
2″ Compound	$40.00
3″ Compound	$50.00
4″ Compound	$100.00
6″ Compound	$220.00
8″ Compound	$250.00
10″ Compound	$275.00
12″ Compound	$400.00

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

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

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

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

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

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

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

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

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

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

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

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

SCHEDULE I

Minimum charge per quarter: [$57.64] *$58.79* with a usage allowance of up to 1,300 cubic feet

Additional usage in excess of 1,300: [$4.43] *$7.97* per 100 cubic feet

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

Minimum charge per quarter: [$154.42] *$157.51* with a usage allowance of up to 1,300 cubic feet

Additional usage in excess of 1,300: [$11.87] *$12.11* per 100 cubic feet

(2) SIU.

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

SCHEDULE II

Pollutant Parameters	Rate
Flow	[$3,117.56] *$3,179.91* per million gallons
Suspended Solids	[$1.00] *$1.02* per pound
Soluble Organic Carbon	[$1.73] *$1.76* per pound

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

SCHEDULE III

SUBSTANCES OF CONCERN UNIT CHARGES

Parameters	Unit Rate
Benzene	[$344.04] *$350.92* per pound
Chloroform	[$61.26] *$62.49* per pound
Dichloroethylenes	[$374.33] *$381.82* per pound
Toluene	[$16.59] *$16.92* per pound
Trichloroethanes	[$77.79] *$79.35* per pound
Trichloroethylene	[$99.28] *$101.27* per pound
Vinyl Chloride	[$49.70] *$50.69* per pound
Monochlorotoluenes	[$3.36] *$3.43* per pound
Tetrachloroethylene	[$46.35] *$47.28* per pound
Total Phenols	[$7.57] *$7.72* per pound

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

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

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire March 17, 2019.

Text of rule and any required statements and analyses may be obtained from: Sean W. Costello, General Counsel and Secretary, Niagara Falls Water Board, 5815 Buffalo Avenue, Niagara Falls, NY 14304, 7162839770, email:scostello@NFWB.org.

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

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

Niagara Frontier Transportation Authority

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Procurement Guidelines of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc.

I.D. No. NFT-01-19-00001-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 amend Part 1159 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, section 1299-t

Subject: Procurement Guidelines of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc.

Purpose: To amend Procurement Guidelines to reflect changes in law, clarifying provisions and change in signing authority level.

Substance of proposed rule (Full text is posted at the following State website: www.nfta.com): The title of Part 1159 is hereby amended as follows:

PROCUREMENT GUIDELINES OF THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY, AND NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC. All references to "the NFTA" contained in Part 1159 are hereby deleted and replaced with "the Authority".

All references to "public work" contained in Part 1159 are hereby deleted and replaced with "Public Work".

All references to "public works" contained in Part 1159 are hereby deleted and replaced with "Public Works".

Section 1159.1 is hereby amended as follows:

Scope. Set forth herein are comprehensive guidelines established for the purpose of governing the procurement of goods and services by the Niagara Frontier Transportation Authority, and Niagara Frontier Transit Metro System, Inc. (together, the Authority). The Greater Buffalo-Niagara Regional Transportation Council (''GBNRTC'') and the Niagara International Transportation Technology Coalition (''NITTEC''), for which the Authority serves in a limited capacity as "host agency," has agreed to procure goods and services consistent with these guidelines.

Clause (1) of subsection (a) of Section 1159.3 is hereby amended as follows:

(1) The publication of a Notice of Procurement Opportunity in any of the following forums, as is appropriate: newspapers of general circulation in Erie and Niagara Counties; regional, state, national and international trade journals and magazines; newsletters, MBE/WBE/DBE/SDVOB publications that may exist from time to time and the authority website.

Subsection (e) of Section 1159.3 is hereby amended as follows:

(e) Contract for goods or services. Any authorized written agreement; including contracts, purchase orders, letter agreements or memoranda of understanding, which creates a mutually binding legal relationship, which obligates the seller to furnish (or dispose of) products services or Public Works, and the buyer to pay for same.

Subsection (f) of Section 1159.3 is hereby amended as follows:

(f) Contractor. Any individual (or group of individuals), business, firm, union, club, organization, or other entity obligated to sell, furnish, provide or render goods or services to the Authority pursuant to a contract including sellers, consultants, vendors, suppliers and construction contractors.

Subdivision (k) of Section 1159.3 is hereby amended as follows:

(k) Emergency. Danger or threat of harm to life, health, safety, environment or property which requires immediate preventative action; provided, that an emergency procurement shall be made with such competition as is practicable under the circumstances and a written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the procurement file. Emergency is a subcategory of "Sole Source."

Subsections (m) through (aa) of Section 1159.3 are hereby renumbered to be subsections (n) through (ab).

A new subsection (m) is hereby added to Section 1159.3 as follows:

(m) Expediency. Prospect of an outcomes not in the "best interest" of the Authority arising from adherence to the means and method of the procurement prescribed herein or, alternatively, adherence to these Guidelines is impractical or inappropriate given all the existing circumstances, none of which were foreseeable or controllable by the Authority. Expediency is a subcategory of "Sole Source."

The preamble of subsection (u) of Section 1159.3 is hereby amended as follows:

(u) Procurement. The buying, purchasing, renting, leasing, or other acquisition by the Authority, of products, services, or Public Works, excepting:

Subsection (v) of Section 1159.3 is hereby amended as follows:

(v) Product. Equipment, materials and supplies including, but not limited to, printing, insurance (except for health / welfare-related insurance required under a collective bargaining agreement pursuant to which the Authority is bound) and leases of property excluding land or interests in land.

Subsection (w) of Section 1159.3 is hereby amended as follows:

(w) Public work. The construction, demolition, repair, rehabilitation, restoration or maintenance of any building, roadway, structure, fixture, facility or improvement owned by, or leased to, the Authority and the Authority or Metro must be a party to the related contract. For the avoidance of doubt, a Public Work does not include the routine operation, repair, or maintenance of any existing public structure, building, or real property.

Subsection (z) of Section 1159.3 is hereby amended as follows:

(z) Responsible. A potential contractor is responsible if it can demonstrate that it has the capability to perform fully and successfully under the terms of the proposed contract, taking into account the offeror's technical and financial capability, and the integrity and reliability necessary to ensure good faith performance.

Subsections (ac) through (an) of Section 1159.3 are hereby renumbered to be subsections (ad) through (ao).

A new subsection (ac) is hereby added to Section 1159.3 amended as follows:

(ac) Service-disabled veteran-owned small business. A business that is at least fifty-one percent (51%) owned and controlled by a service-disabled veteran, and the daily management operations of such business are controlled by a service-disabled veteran or caregiver of a service-disabled veteran, such business must be a "small business," as defined by the Small Business Administration.

Subsection (ah) of Section 1159.3 is hereby amended as follows:

(ah) Small purchase informal bidding. A small purchases method of procuring goods or services under $ 50,000.00, based upon competitive selection which may be made on the basis of written or telephonic quotes and in accordance with the guidelines set forth in Article 15(C); provided, however, that procurement requirements shall not be artificially divided in order to constitute a small purchase.

Subsection (ai) of Section 1159.3 is hereby amended as follows:

(ai) Sole source. A general category of awards where competition is waivable, or is not feasible under the circumstances, as determined by the Procurement Department and authorized by the Executive Director. The included subcategories are: single bid; exigency; expedience, and single source.

The beginning of subsection (a) of Section 1159.4 is hereby amended as follows:

Board approval is required for each of the following:

Clause (1) of subsection (a) of Section 1159.4 is hereby amended as follows:

(1) All Contracts for Goods or Services in the actual or estimated value of One Hundred Thousand Dollars ($100,000.00) or more; and

Subsection (e) of Section 1159.4 is hereby amended to add the following language immediately after the first paragraph thereof:

Generally, projects for construction, reconstruction, or maintenance done on behalf of a public entity involving the employment of laborers, workers or mechanics are Public Works. In instances where there is a question regarding whether this condition exists, the Bureau of Public Work will make a determination based on the particular project details.

Generally, agreements between a contractor and a public entity in which the principal purpose is to furnish services through the use of "building

service employees" are subject to prevailing wage rates. A "building service employee" includes, but is not limited to, a building cleaner, janitor, gardener, groundskeeper, window cleaner, and occupations relating to the collection of garbage or refuse, and to the transportation office furniture and equipment, and the transportation and delivery of fossil fuel.

The first paragraph of clause (3) of subsection (o) of Section 1159.4 is hereby amended as follows:

(3) Informal bidding. Contracts for goods or services for (i) less than One Hundred Thousand Dollars ($100,000) may be awarded by the Executive Director, or, his/ her designee; provided, however, that if such contract is a GBNRTC or NITTEC contract, it shall first be approved by its Board of Directors, or (ii) less than Ten Thousand Dollars ($10,000) may be awarded by the General Counsel, the Chief Financial Officer, any General Manager or Director, the Executive Director of the GBNRTC or the Executive Director of NITTEC, or their respective designee (note, that any such delegation must be in writing), upon satisfaction of the following minimum requirements:

The title of subsection (s) of Section 1159.4 is hereby amended as follows:

Disadvantaged business enterprises / minority and women business enterprises / service-disabled disabled veteran-owned business.

Clause (2) of subsection (s) of Section 1159.4 is hereby amended as follows:

An updated list of all DBE certified firms in New York State may be obtained from the New York State Unified Certification Program website at www.biznet.nysucp.net. A directory of MWBE certified firms may be obtained from the New York State MWBE website at www.nylovesmwbe.ny.gov. A list of all SDVOB certified firms in New York State may be obtained from the New York State Office of General Services website at www.ogs.ny.gov/Core/SDVOBA.asp. The Procurement Department shall be responsible for referencing such lists prior to the publication of a notice of procurement opportunity or information solicitation to determine the availability of certified DBE, MBE, WBE and SDVOB entities.

Subsection (ab) of Section 1159.4 is hereby renumbered to be new subsection (ao) of Section 1159.3.

Subsection (ac) of Section 1159.4 is hereby renumbered to be new subsection (ap) of Section 1159.3.

Subsections (ad) through (af) of Section 1159.4 are hereby renumbered to be subsections (ab) through (ad) of Section 1159.4.

Clause (2) of subsection (af) of Section 1159.4 is hereby amended as follows:

The Authority may purchase surplus and second-hand supplies, materials or equipment from the Federal Government, the State of New York or any political subdivision, municipality or district without advertising or the solicitation of bids, proposals or quotations; however, purchases involving an expenditure of One Hundred Thousand Dollars ($100,000) or more shall require Board approval.

The first paragraph of subsection (a) of Section 1159.5 is hereby amended as follows:

In addition to the requirements imposed by (i) Sections 73 and 74 of the New York Public Officers Law, which govern outside business/ professional activities and conflicts of interest, respectively, and apply to all employees of the Authority, (ii) Authority Policy 01-01-04 (Code of Ethics) and (iii) the Board of Commissioners Code of Ethics, the Authority will assure that ethical conduct is maintained by adhering to the following requirements:

Clause 2 of subsection (b) of Section 1159.5 is hereby amended as follows:

2. Post-Bid/Proposal Opening Protests. A protest to the acceptance or rejection of any or all offers or bids to a contract, or to the award thereof, or to any such action proposed or intended by the Authority must be received in writing by the Executive Director no later than five (5) business days after the protesting party first learned, or reasonably ought to have learned, of the required Board action or, if the Board action is not required, any proposed or intended action to which he/she protests.

All references to "Metro" contained in subsection (g) of Section 1159.5 are hereby deleted and replaced with "NFTA and/or Metro".

Text of proposed rule and any required statements and analyses may be obtained from: Michelle Maniccia, Esq., Niagara Frontier Transportation Authority, 181 Ellicott Street, Buffalo, New York 14203, (716) 855-7300, email: michelle_maniccia@nfta.com

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

No person is likely to object to the adoption of the rule, as written, because the changes made are technical in nature and limited to (i) memorializing recent changes in the law with respect to contracting and procurement opportunities for Service-Disabled Veteran-Owned Businesses, with which the NFTA is legally required to comply, (ii) reflecting an immaterial increase in the purchasing authority of certain members of management, (iii) making conforming changes for purposes of consistency throughout the rule and (iv) making clarifying changes that are expected to be beneficial to individuals who participate in the NFTA contracting and procurement processes. In addition, the changes made to the referenced rule are not expected to adversely impact jobs or employment opportunities, nor are they expected to adversely impact any business or industry that participates, or is eligible to participate, in the NFTA contracting and/or procurement processes.

Job Impact Statement

1. Nature of impact:

The Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc. (together, the NFTA) are amending 21 NYCRR Part 1159, Sections 1159.1, 1159.3, 1159.4 and 1159.5 in order to (i) memorialize recent changes in related law with respect to contracting opportunities for Service-Disabled Veteran-Owned Businesses, with which the NFTA is legally required to comply, (ii) reflect an increase in the purchasing authority of ce11ain members of management, (iii) make conforming changes for purposes of consistency and (iv) make clarifying changes that are expected to be beneficial to individuals who participate in the NFTA contract and procurement processes.

The changes to the referenced regulation are not expected to adversely impact jobs or employment opp011unities as the overall level of NFTA contracting and procurement opportunities will not be adversely impacted by the changes made.

2. Categories and numbers affected:

The changes made to the referenced regulation are not expected to adversely impact any business or industry that participates, or is eligible to participate in, the NFTA contracting and procurement processes. The changes are not expected to result in any competitive disadvantage to any business or industry that participates in the NFTA contracting and procurement processes. In fact, certain changes made may result in an increase in NFTA contracting and procurement opportunities for Service-Disabled Veteran-Owned Businesses.

3. Regions of adverse impact:

No region of New York State is expected to be adversely impacted by the changes made to the referenced regulation.

4. Minimizing adverse impact:

The changes made to the referenced regulation are not expected to adversely impact any business or industry that participates, or is eligible to participate, in the NFTA contracting and/or procurement processes as the changes made apply to all businesses and industries equally and compliance is not expected to impose additional costs on any business or industry that participates, or is eligible to participate in the NFTA contracting/or procurement processes.

5. Self-employment opportunities:

The NFTA is currently unaware of any adverse impact on self-employment as a result of the ci1anges made to the referenced regulation.

Public Service Commission

NOTICE OF ADOPTION

Petition on Alternative Method for Calculating Billing Adjustments

I.D. No. PSC-24-17-00014-A

Filing Date: 2018-12-14

Effective Date: 2018-12-14

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

Action taken: On 12/13/18, the PSC adopted an order denying UtiliSave, LLC's (UtiliSave) petition requesting that Consolidated Edison Company of New York, Inc. (Con Edison) be directed to adopt the alternative method for calculating billing adjustments.

Statutory authority: Public Service Law, sections 5(1), 39(1) and 66(1)

Subject: Petition on alternative method for calculating billing adjustments.

Purpose: To deny UtiliSave's petition requesting Con Edison to adopt the alternative method for calculating billing adjustments.

Substance of final rule: The Commission, on December 13, 2018, adopted

an order denying UtiliSave, LLC's petition, on behalf of New York Presbyterian Hospital, requesting that Consolidated Edison Company of New York, Inc. (Con Edison) be directed to adopt the alternative method for calculating billing adjustments, 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.

(17-M-0244SA1)

NOTICE OF ADOPTION

Minor Rate Filing for Increase in Annual Revenues

I.D. No. PSC-04-18-00003-A

Filing Date: 2018-12-17

Effective Date: 2018-12-17

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

Action taken: On 12/13/18, the PSC adopted an order directing Mohawk Municipal Commission (MMC) to file a cancellation supplement for its tariff and revise the tariff to increase annual revenues by $122,568, effective January 1, 2019.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Minor rate filing for increase in annual revenues.

Purpose: To direct MMC to file a cancellation supplement for its tariff and revise the tariff to increase annual revenues.

Substance of final rule: The Commission, on December 13, 2018, adopted an order directing Mohawk Municipal Commission (MMC) to file a cancellation supplement, effective on not less than one day's notice, on or before December 27, 2018, cancelling the tariff amendments to its electric tariff schedule, P.S.C. No. 2 – Electricity, and supporting documents (Rate Application or Filing), proposing to increase its annual revenues, listed in Appendix A. MMC is directed to file by December 28, 2018, to become effective on January 1, 2019, further tariff revisions establishing the approved rates, increasing its annual electric revenues by $122,568, as shown in Appendix D and any other tariff changes consistent with the discussion in the body 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.

(17-E-0802SA1)

NOTICE OF ADOPTION

Minor Rate Filing for Increase in Annual Revenues

I.D. No. PSC-23-18-00011-A

Filing Date: 2018-12-17

Effective Date: 2018-12-17

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

Action taken: On 12/13/18, the PSC adopted an order approving, with modifications, Hudson Valley Water Companies, Inc.'s (Hudson Valley Water) minor rate filing to increase its annual revenues by $21,299 or 11.5%.

Statutory authority: Public Service Law, sections 4(1), 5(1)(f), 89-c(1), (3), (10)(a), (b) and (f)

Subject: Minor rate filing for increase in annual revenues.

Purpose: To approve Hudson Valley Water's minor rate filing for an increase in annual revenues.

Substance of final rule: The Commission, on December 13, 2018, adopted an order approving, with modifications, Hudson Valley Water Companies, Inc.'s (Hudson Valley Water) minor rate filing to increase its annual revenues by $21,299 or 11.5%. The tariff amendments filed by Hudson Valley Water and listed in Appendix A are authorized to become effective, on not less than three days' notice, on January 1, 2019, provided that the Company files further tariff revisions establishing the authorized rates consistent with the discussion in the body of this Order and the rates shown in Appendices F and G, 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-0310SA1)

NOTICE OF ADOPTION

Energy Storage Deployment

I.D. No. PSC-28-18-00006-A

Filing Date: 2018-12-13

Effective Date: 2018-12-13

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

Action taken: On 12/13/18, the PSC adopted an order establishing an energy storage goal and deployment policy.

Statutory authority: Public Service Law, sections 5, 65, 66 and 74

Subject: Energy storage deployment.

Purpose: To adopt an order establishing an energy storage goal and deployment policy.

Substance of final rule: The Commission, on December 13, 2018, adopted an order establishing an energy storage goal and deployment policy. Central Hudson Gas & Electric Corporation (Central Hudson), Consolidated Edison Company of New York, Inc. (Con Edison), New York State Electric & Gas Corporation (NYSEG), Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), Orange and Rockland Utilities, Inc. (O&R), and Rochester Gas and Electric Corporation (RG&E) are directed to maintain consistent reporting of each energy storage project, whether standalone or paired, that shall adhere to the national energy storage metrics set forth in the body of this order. By February 11, 2019, Central Hudson, NYSEG, National Grid, O&R, and RG&E shall file an implementation plan detailing a competitive direct procurement process and the cost recovery accounting procedures to deploy 10 MW of qualified energy storage systems. By February 11, 2019, Con Edison shall file an implementation plan detailing a competitive direct procurement process to deploy 300 MW of qualified energy storage systems. Central Hudson, Con Edison, NYSEG, National Grid, O&R and RG&E shall propose a system efficiency target that includes both peak reduction and load factor in the next major rate filing, 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-0130SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-31-18-00013-A
Filing Date: 2018-12-13
Effective Date: 2018-12-13

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

Action taken: On 12/13/18, the PSC adopted an order approving, with modifications, Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to P.S.C. No. 10—Electricity.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Tariff amendments.

Purpose: To approve, with modifications, Con Edison's tariff amendments to P.S.C. No. 10—Electricity.

Substance of final rule: The Commission, on December 13, 2018, adopted an order approving, with modifications, Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to P.S.C. No. 10 – Electricity, to establish an Innovative Pricing Pilot under new Riders Z (Residential) and AA (Small Commercial), which implement rate structures for Residential/Religious and Small Commercial customers, respectively, in Staten Island, the County of Westchester and Brooklyn. The tariff amendments listed in Appendix A shall become effective on January 1, 2019, provided that Consolidated Edison Company of New York, Inc. files further revisions consistent with the discussion in the body of this order on not less than five days' notice to become effective on January 1, 2019, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 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-0397SA1)

NOTICE OF ADOPTION

Energy Efficiency

I.D. No. PSC-32-18-00013-A
Filing Date: 2018-12-13
Effective Date: 2018-12-13

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

Action taken: On 12/13/18, the PSC adopted an order adopting accelerated energy efficiency targets and directed investor-owned utilities to file proposals for energy efficiency targets and budgets on or before March 31, 2019.

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

Subject: Energy efficiency.

Purpose: To adopt accelerated energy efficiency targets and direct utilities to file proposals for energy efficiency targets and budgets.

Substance of final rule: The Commission, on December 13, 2018, adopted an order adopting accelerated energy efficiency targets and directed Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., KeySpan Gas East Corporation, The Brooklyn Union Gas Company, National Fuel Gas Distribution Corporation, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation (Utilities) to conduct energy efficiency programs, consistent with the order in 2019 and 2020. The utilities, in consultation with the New York State Energy Research and Development Authority, shall file, collectively or individually, proposals for energy efficiency targets and budgets on or before March 31, 2019, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(18-M-0084SA1)

NOTICE OF ADOPTION

Proposed Hybrid Energy Storage System Tariff

I.D. No. PSC-32-18-00017-A
Filing Date: 2018-12-13
Effective Date: 2018-12-13

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

Action taken: On 12/13/18, the PSC adopted an order accepting the Joint Utilities' proposed Hybrid Energy Storage System Tariff, with modifications.

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

Subject: Proposed Hybrid Energy Storage System Tariff.

Purpose: To accept the Joint Utilities' proposed Hybrid Energy Storage System Tariff, with modifications.

Substance of final rule: The Commission, on December 13, 2018, adopted an order accepting Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation's (Joint Utilities) proposed Hybrid Energy Storage System Tariff, with modifications. Each of the Joint Utilities are directed to file tariff amendments, incorporating the Value Stack compensation for a Hybrid Facility as discussed in Appendix A and in conformance with the body of this Order, on no less than 5 days' notice to become effective January 1, 2019, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 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.

(15-E-0751SA16)

NOTICE OF ADOPTION

CES Phase 3 Implementation Plan

I.D. No. PSC-34-18-00014-A
Filing Date: 2018-12-14
Effective Date: 2018-12-14

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

Action taken: On 12/13/18, the PSC adopted an order approving the Clean Energy Standard (CES) Phase 3 Implementation Plan submitted by New York State Energy Research and Development Authority (NYSERDA) and the New York State Department of Public Service Staff (Staff).

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

Subject: CES Phase 3 Implementation Plan.

Purpose: To approve, with modifications, the CES Phase 3 Implementation Plan.

Substance of final rule: The Commission, on December 13, 2018, adopted an order approving, with modifications, the Clean Energy Standard (CES) Phase 3 Implementation Plan submitted by New York State Energy

Research and Development Authority (NYSERDA) and the New York State Department of Public Service Staff (Staff). NYSERDA and Staff shall file a final Plan no later than 30 days of the issuance of this order, making the necessary revisions discussed, 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.

(15-E-0302SA37)

NOTICE OF ADOPTION

Revisions to the RY1 RAC Targets

I.D. No. PSC-36-18-00004-A

Filing Date: 2018-12-13

Effective Date: 2018-12-13

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

Action taken: On 12/13/18, the PSC adopted an order approving New York American Water Company, Inc.'s (NYAW) petition to make revisions to the Rate Year 1 (RY1) Revenue Adjustment Clause (RAC) targets due to changes in property tax targets.

Statutory authority: Public Service Law, section 89

Subject: Revisions to the RY1 RAC targets.

Purpose: To approve NYAW's petition to make revisions to the RY1 RAC targets.

Substance of final rule: The Commission, on December 13, 2018, adopted an order approving New York American Water Company, Inc.'s petition to make revisions to the Rate Year 1 Revenue Adjustment Clause targets due to changes in property tax targets, 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-W-0259SA6)

NOTICE OF ADOPTION

Revisions to the RY1 RAC Targets

I.D. No. PSC-36-18-00006-A

Filing Date: 2018-12-13

Effective Date: 2018-12-13

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

Action taken: On 12/13/18, the PSC adopted an order approving New York American Water Company, Inc.'s (NYAW) petition for accounting changes to revise the Rate Year 1 (RY1) Revenue Adjustment Clause (RAC) targets due to the change to monthly billing.

Statutory authority: Public Service Law, section 89

Subject: Revisions to the RY1 RAC targets.

Purpose: To approve NYAW's petition to make revisions to the RY1 RAC targets.

Substance of final rule: The Commission, on December 13, 2018, adopted an order approving New York American Water Company, Inc.'s petition for accounting changes to revise the Rate Year 1 Revenue Adjustment Clause targets due to the change to monthly billing, 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-W-0259SA5)

NOTICE OF ADOPTION

Waiver of Article VII Regulations

I.D. No. PSC-36-18-00007-A

Filing Date: 2018-12-17

Effective Date: 2018-12-17

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

Action taken: On 12/13/18, the PSC adopted an order approving Eight Point Wind, LLC's (Eight Point) petition to waive section 86.3(a)(1) of the Commission's regulations relating to Public Service Law article VII.

Statutory authority: Public Service Law, sections 4 and 122

Subject: Waiver of article VII regulations.

Purpose: To approve Eight Point's petition for a waiver of article VII regulations.

Substance of final rule: The Commission, on December 13, 2018, adopted an order approving Eight Point Wind, LLC's petition to waive § 86.3(a)(1) of the Commission's regulations relating to Public Service Law Article VII, 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-0202SA1)

NOTICE OF ADOPTION

Acceleration of the Return of Customer Credit

I.D. No. PSC-37-18-00004-A

Filing Date: 2018-12-13

Effective Date: 2018-12-13

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

Action taken: On 12/13/18, the PSC adopted an order approving New York American Water Company, Inc.'s (NYAW) petition to accelerate the return of customer credit directed by the August 2018 Tax Cuts and Jobs Act Order through a one-time credit.

Statutory authority: Public Service Law, sections 65(1), 66(1), (4), 79(1), (7), 89-b(1), 89-c(1), (3), 91(1), 94(2) and 95(2)

Subject: Acceleration of the return of customer credit.

Purpose: To approve NYAW's petition to accelerate the return of customer credit through a one-time credit.

Substance of final rule: The Commission, on December 13, 2018, adopted an order approving New York American Water Company, Inc.'s petition to accelerate the return of customer credit of $2.056 million, directed by the August 2018 Tax Cuts and Jobs Act Order, through a one-time credit that offsets the Revenue Adjustment Clause/Property Tax Reconciliation surcharge, 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-0815SA2)

NOTICE OF ADOPTION

Allocation of Property Tax Refunds

I.D. No. PSC-37-18-00006-A

Filing Date: 2018-12-13

Effective Date: 2018-12-13

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

Action taken: On 12/13/18, the PSC adopted an order approving New York American Water Company, Inc.'s (NYAW) petition for the allocation of property tax refunds between NYAW and its ratepayers.

Statutory authority: Public Service Law, section 113(2)

Subject: Allocation of property tax refunds.

Purpose: To approve NYAW's petition for the allocation of property tax refunds between NYAW and its ratepayers.

Substance of final rule: The Commission, on December 13, 2018, adopted an order approving, to the extent stated in this order, New York American Water Company, Inc.'s (NYAW) petition for the allocation and disposition of property tax refunds between NYAW and its ratepayers totaling $8,393,923, including interest. $7,135,641 will be returned to ratepayers in NYAW's Lynbrook and Merrick districts, $1,010,088 will be used to fund a Conservation Study and Rebate Program for the benefit of customers, and NYAW will be permitted to retain $312,215 to cover legal fees and other costs incurred to obtain the refunds. NYAW shall account for the refund in accordance with the requirements of this order and is directed to notify the Commission within 60 days of its receipt of a final Court determination concerning the appeals filed by New York American Water Inc. and the Town of Hempstead of changes, if any, in the amount of the refunds addressed in this order and propose a method of distributing or collecting said difference to or from its ratepayers, 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-0554SA1)

NOTICE OF ADOPTION

Surcharge for Fire Protection Costs

I.D. No. PSC-39-18-00008-A

Filing Date: 2018-12-17

Effective Date: 2018-12-17

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

Action taken: On 12/13/18, the PSC adopted an order authorizing the City of Rye (Rye) to recover fire protection costs through a surcharge collected by SUEZ Water Westchester, Inc. (SWW) from each class of customers in Rye.

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

Subject: Surcharge for fire protection costs.

Purpose: To authorize Rye to recover fire protection costs through a surcharge collected by SWW.

Substance of final rule: The Commission, on December 13, 2018, adopted an order authorizing the City of Rye (Rye) to recover fire protection costs through the Municipal Public Fire Protection (MPFP) surcharge collected by SUEZ Water Westchester, Inc. (SWW), the water utility that serves customers in Rye, from each class of customers in Rye. SWW is directed to file a MPFP Surcharge Statement, on not less than one day's notice, to become effective February 1, 2019, in accordance with the discussion in the body of this Order and the surcharge rates listed in the Appendix to this Order. SWW is directed to identify the surcharge as the MPFP surcharge and provide a complete explanation of the surcharge, including customer exemptions, in the first bill after February 1, 2019, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 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-0560SA1)

NOTICE OF ADOPTION

Waiver Request

I.D. No. PSC-39-18-00009-A

Filing Date: 2018-12-14

Effective Date: 2018-12-14

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

Action taken: On 12/13/18, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) petition for a waiver of tariff provisions and the Public Service Commission's (PSC) non-residential service regulations.

Statutory authority: Public Service Law, sections 65, 66, 79 and 80

Subject: Waiver request.

Purpose: To approve Con Edison's petition for a waiver of tariff provisions and service regulations.

Substance of final rule: The Commission, on December 13, 2018, adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) petition for a waiver of tariff provisions and the Public Service Commission's (PSC) Non-residential service regulations for customers affected by the July 19, 2018 steam rupture. The provisions of Con Edison's Electric Tariff, P.S.C. No. 10 – Electricity, Steam Tariff, P.S.C. No. 3 – Steam, Gas Tariff, P.S.C. No. 9 – Gas and 16 NYCRR Part 13, are waived, as appropriate, for the period of time set forth in the body of this Order. The authorization granted by this Order is limited to customers whose electric, gas and steam service were affected by the steam rupture that occurred at 21st Street and 5th Avenue as described in this Order. Con Edison is required to file a report with the Commission, sixty (60) days after the distribution of credits detailing the total amount of electric, gas and steam credits refunded, the number of affected customers that received these credits, and the associated accounting treatment demonstrating that the costs of credits were not recovered from customers, 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-S-0448SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-40-18-00017-A
Filing Date: 2018-12-14
Effective Date: 2018-12-14

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

Action taken: On 12/13/18, the PSC adopted an order approving, in part and rejecting, in part, Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to P.S.C. No. 9—Gas, modifying its Interruptible Gas Service Program.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Tariff amendments.

Purpose: To approve, in part and reject, in part, Con Edison's tariff amendments.

Substance of final rule: The Commission, on December 13, 2018, adopted an order approving, in part and rejecting, in part, Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to P.S.C. No. 9 – Gas, modifying its Interruptible Gas Service Program; Service Classification (SC) No. 9 – Transportation Service and SC No. 12 – Dual Fuel Sales Service. Con Edison is directed to file a cancellation supplement, effective on not less than one day's notice, on or before December 27, 2018, cancelling the tariff amendments listed in the Appendix. Con Edison is also directed to file further modifications consistent with the discussion in the body of this Order, on or before December 27, 2018, to become effective on January 1, 2019, to eliminate the provision of automatically moving an Interruptible Gas Service customer that incurs two violations to Firm Service, 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-G-0565SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Revisions to RG&E's Dynamic Load Management Programs

I.D. No. PSC-01-19-00003-P

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

Proposed Action: The Commission is considering a November 15, 2018 report and petition filed by Rochester Gas and Electric Corporation (RG&E) to effectuate revisions to its Dynamic Load Management Programs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Proposed revisions to RG&E's Dynamic Load Management Programs.

Purpose: More efficient demand response programs to gain operational efficiency and shave peak demand.

Substance of proposed rule: The Public Service Commission is considering a November 15, 2018 report and petition, filed by Rochester Gas and Electric Corporation (RG&E), proposing modifications to two distribution-level demand response programs, the Commercial System Relief Program and the Distribution Load Relief Program for the 2019 capability period. The proposed tariff amendments have an initial effective date of May 1, 2019.

The full text of the annual report and 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.

(15-E-0190SP5)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Advanced Metering Infrastructure

I.D. No. PSC-01-19-00004-P

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

Proposed Action: The Commission is considering a proposal filed by Niagara Mohawk Power Corporation d/b/a National Grid to implement advanced metering infrastructure throughout its electric and gas service territories.

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

Subject: Advanced Metering Infrastructure.

Purpose: To determine whether Niagara Mohawk Power Corporation d/b/a National Grid should implement advanced metering infrastructure.

Substance of proposed rule: The Commission is considering a report filed by Niagara Mohawk Power Corporation d/b/a National Grid (NMPC) on November 15, 2018 in Cases 17-E-0238 and 17-G-0239, in which NMPC proposed to implement advanced metering infrastructure (AMI) throughout its electric and gas service territories.

The report resulted from a collaborative process, involving numerous stakeholders, mandated in the Order Adopting Terms of Joint Proposal and Establishing Electric and Gas Rate Plans issued by the Commission on March 15, 2018. NMPC proposes to implement AMI throughout its electric and gas service territories at a 20-year net present value (NPV) cost of between approximately $637 and $657 million. NMPC estimates that implementing AMI will create 20-year NPV benefits of between approximately $650 and $752 million. AMI will allow for two-way communication with customers' meters and will provide more granular usage and demand data than can be acquired with most of NMPC's current meters. NMPC explains that implementing AMI will support grid modernization and distributed system platform planning functions, which will promote the development of a more dynamic, efficient, sustainable, and reliable energy network capable of serving future generations of utility customers. Further, NMPC proposes using the AMI infrastructure to offer time-of-use rates, which may be developed on an opt-in or opt-out basis.

The full text of the report 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.

(17-E-0238SP6)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Proposed Revisions to O&R's Dynamic Load Management Programs

I.D. No. PSC-01-19-00005-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 November 15, 2018 report and petition filed by Orange and Rockland Utilities, Inc. (O&R) to effectuate revisions to its Dynamic Load Management Programs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Proposed revisions to O&R's Dynamic Load Management Programs.

Purpose: More efficient demand response programs to gain operational efficiency and shave peak demand.

Substance of proposed rule: The Public Service Commission is considering a November 15, 2018 report and petition, filed by Orange and Rockland Utilities, Inc. (O&R), proposing modifications to two distribution-level demand response programs, the Commercial System Relief Program and the Distribution Load Relief Program for the 2019 capability period. The proposed tariff amendments do not have an initial effective date.

The full text of the annual report and 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.

(15-E-0191SP6)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Proposed Revisions to NYSEG's Dynamic Load Management Programs

I.D. No. PSC-01-19-00006-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 November 15, 2018 report and petition filed by New York State Electric & Gas Corporation (NYSEG) to effectuate revisions to its Dynamic Load Management Programs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Proposed revisions to NYSEG's Dynamic Load Management Programs.

Purpose: More efficient demand response programs to gain operational efficiency and shave peak demand.

Substance of proposed rule: The Public Service Commission is considering a November 15, 2018 report and petition, filed by New York State Electric & Gas Corporation (NYSEG), proposing modifications to two distribution-level demand response programs, the Commercial System Relief Program and the Distribution Load Relief Program for the 2019 capability period. The proposed tariff amendments have an initial effective date of May 1, 2019.

The full text of the annual report and 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.

(15-E-0188SP5)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Northbrook Lyons Falls LLC's 3 Hydro Facilities with a Combined Capacity of 8.59 MW Located in Mill, Gouldtown, and Kosterville

I.D. No. PSC-01-19-00007-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 Northbrook Lyons Falls LLC to provide financial support for its 8.59 MW hydroelectric facilities located in Lewis County under the Tier 2 ''Maintenance Tier'' Program in the Renewable Energy Standard.

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

Subject: Northbrook Lyons Falls LLC's 3 hydro facilities with a combined capacity of 8.59 MW located in Mill, Gouldtown, and Kosterville.

Purpose: To promote and maintain renewable electric energy resources.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition, filed on November 1, 2018, by Northbrook Lyons Falls LLC (NBLF), seeking financial support through a Tier 2 "Maintenance Tier" contract that may be authorized under the Renewable Energy Standard program, to allow the continued operation of three hydroelectric facilities with a combined capacity of 8.59 MW located in Lewis County, New York (the Facilities).

In the August 1, 2016 Clean Energy Standard Framework Order, the Commission approved, among other items, the continuation of a maintenance program for existing renewable generating facilities needing financial support to remain operational. NBLF is requesting a 2-year contract authorizing $12.97/MWh for each Renewable Energy Credit created by the Facilities. NBLF is applying for a shorter term than the standard 3 year term authorized by the Commission due to their plan to redevelop the Mill facility which will require that it be taken out of service for a 12-month period. Upon review of the relevant inputs used to calculate the award, including changes to those inputs, the Commission may adjust the award price requested upward or downward. The Commission may also seek to standardize the formula to be utilized in computing the maintenance tier award.

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 other related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

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

Public comment will be received until: 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.
(17-E-0603SP6)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Proposed Revisions to Central Hudson's Dynamic Load Management Programs

I.D. No. PSC-01-19-00008-P

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

Proposed Action: The Commission is considering a November 15, 2018 report and petition filed by Central Hudson Gas & Electric Corporation (Central Hudson) to effectuate revisions to its Dynamic Load Management Programs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Proposed revisions to Central Hudson's Dynamic Load Management Programs.

Purpose: More efficient demand response programs to gain operational efficiency and shave peak demand.

Substance of proposed rule: The Public Service Commission is considering a November 15, 2018 report and petition, filed by Central Hudson Gas & Electric Corporation (Central Hudson), proposing to eliminate the Commercial System Relief Program (CSRP) from the Dynamic Load management (DLM) Program for the 2019 capability period.

The CSRP provides commercial and industrial customers the opportunity to earn incentives by committing to curtail during peak periods when called upon. Central Hudson proposes to discontinue the program because it is not cost effective, so any marginal benefits realized through the program are significantly outweighed by the cost to implement. The proposed tariff amendment does not have an initial effective date.

The full text of the annual report and 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.
(15-E-0186SP6)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Waiver of Main Extension Rules, Service Territory Extension and Agreement for Provision of Service

I.D. No. PSC-01-19-00009-P

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

Proposed Action: The Commission is considering a petition filed by Saratoga Water Services, Inc. requesting waivers of certain provisions of its tariff and Commission rules and of the terms of an agreement for provision of service.

Statutory authority: Public Service Law, sections 4(1), 20(1) and 89-b

Subject: Waiver of main extension rules, service territory extension and agreement for provision of service.

Purpose: Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest.

Substance of proposed rule: The Commission is considering a petition, filed on January 19, 2017, by Saratoga Water Services, Inc. (Saratoga) requesting waivers of certain provisions of its tariff and Commission rules and of the terms of an agreement for provision of service.

Saratoga seeks issuance of an Order (a) approving the terms and conditions of a certain "Agreement For The Provision of Water Service," dated January 7, 2016 (Agreement) between Saratoga and RM Dalrymple Company, Inc. as being in the public interest; (b) determining that the provision of water service by Saratoga in accordance with the terms set forth in the Agreement is in the public interest; (c) waiving Saratoga's tariff provisions to the extent they are inconsistent with the Agreement, and (d) waiving the applicability of the provisions of 16 NYCRR Parts 501 and 502 (extension of main and service pipes) to the extent they are inconsistent with the Agreement.

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.
(16-W-0030SP1)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity

I.D. No. PSC-01-19-00010-P

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

Proposed Action: The Commission is considering the notice of intent of 100 East 53rd Street Condominium to submeter electricity at 100 East 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: Notice of intent to submeter electricity.

Purpose: To ensure adequate submetering equipment and consumer protections are in place.

Substance of proposed rule: The Commission is considering the notice of intent filed by 100 East 53rd Street Condominium on December 5, 2018, to submeter electricity at 100 East 53rd Street, New York, New York located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

By stating its intent to submeter electricity, 100 East 53rd Street Condominium requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Submetering of electricity to residentials is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

The full text of the notice of intent 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.

(18-E-0735SP1)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Proposed Revisions to National Grid's Dynamic Load Management Programs

I.D. No. PSC-01-19-00011-P

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

Proposed Action: The Commission is considering a November 15, 2018 report and petition filed by Niagara Mohawk Power Corporation d/b/a National Grid to effectuate revisions to its Dynamic Load Management Programs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Proposed revisions to National Grid's Dynamic Load Management Programs.

Purpose: More efficient demand response programs to gain operational efficiency and shave peak demand.

Substance of proposed rule: The Public Service Commission is considering a November 15, 2018 report and petition, filed by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), proposing modifications to three of its distribution-level demand response programs for the 2019 capability period.

National Grid's Dynamic Load Management (DLM) Program portfolio is comprised of three distribution-level offerings: Direct Load Control (DLC) Program, Commercial System Relief Program (CSRP), and Distribution Load Relief Program (DLRP). The proposed tariff amendments have an initial effective date of May 1, 2019.

The full text of the annual report and 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.

(15-E-0189SP7)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

National Grid's Electric Economic Development Programs

I.D. No. PSC-01-19-00012-P

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

Proposed Action: The Public Service Commission is considering proposed modifications to the electric Economic Development Programs report filed by Niagara Mohawk Power Corporation d/b/a National Grid on November 1, 2018.

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

Subject: National Grid's electric Economic Development Programs.

Purpose: To consider modifications to National Grid's economic development assistance programs.

Substance of proposed rule: The Public Service Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a/ National Grid (National Grid or Company) requesting approval to modify four of its electric Economic Development Programs. National Grid filed the request as part of its Economic Development Grant Programs Annual Report on November 1, 2018.

First, for the Electric Capital Investment Incentive program, National Grid proposes to lower the threshold investment necessary for a project to be eligible for the $500,000 and $750,000 grants. National Grid proposes that projects with a total capital investment from $10 million to $25 million be eligible for a $500,000 grant, and that projects with a total capital investment greater than $25 million be eligible for a $750,000 grant. Second, for the 3-Phase Power Incentive program, National Grid proposes four changes: (a) increase the maximum grant from $200,000 to $300,000 toward the cost converting 3-phase service; (b) reduce the minimum customer contribution from 30% to 25%; (c) increase maximum grant, from $250,000 to $400,000, for customers choosing renewable generation in lieu of traditional 3-phase service; and, (d) add mining and quarrying as eligible facilities. Third, for the Shovel Ready Incentive program, National Grid proposes to increase the maximum grant from $250,000 to $500,000. Fourth, for the Renewable Energy and Economic Development program, National Grid proposes to change the eligibility language to clarify what specific evidence can be used to demonstrate regional economic development benefits.

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.

(17-E-0238SP5)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Order of the Commission Related to Caller ID Unblocking

I.D. No. PSC-01-19-00013-P

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

Proposed Action: The Commission is considering the petition of Suffolk County requesting that telephone companies unblock caller ID information for calls made to its 311 Call Center.

Statutory authority: Public Service Law, section 94

Subject: Order of the Commission related to caller ID unblocking.

Purpose: To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition, filed on October 22, 2018, by Suffolk County requesting that telephone companies unblock caller ID information for calls made to its 311 Call Center.

The petition concerns the County's new 311 Call Center (311 Call Center) for certain towns within the County. The 311 Call Center will launch in early 2019 and will provide consolidated access to non-emergency municipal services and information to Suffolk County's 1.5 million residents.

The 311 Call Center is expected to process tens of thousands of calls a year. Although its intention is to provide non-emergency services and information, Suffolk County nonetheless anticipates inadvertent emergency calls, as well as calls which may escalate into emergencies, will be made

to the 311 Call Center. In those instances, Caller ID information can prove essential in rapidly and effectively addressing such emergencies. Unblocking the Caller ID information will also enable 911 operators to redial callers routed from the 311 Call Center in the event of disconnections.

Currently, Caller ID information is unavailable as it is considered private information. Telephone corporations offer customers per-call and/or per-line blocking services (with respect to Caller ID information) in order to protect customer privacy. The County submits that the Commission has previously authorized the unblocking of Caller ID information for 311 Call Centers in New York City and in the Town of North Hempstead, justifying such decisions as a matter of public safety, and the County's current petition presents similar circumstances.

The County has requested an order from the Commission directing telephone corporations, which deliver calls to the Suffolk County 311 Call Center and provide Caller ID blocking services, to unblock the transmission of customer name and number on such 311 calls.

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.

(18-C-0541SP1)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

To Modify Provisions for Accepting New or Additional Gas Service Applications When There is Inadequate Supply or Capacity

I.D. No. PSC-01-19-00014-P

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

Proposed Action: The Commission is considering a proposal filed by KeySpan Gas East Corporation d/b/a National Grid to modify its gas tariff schedule, P.S.C. No. 1, to provide flexibility in accepting applications for new or additional gas service.

Statutory authority: Public Service Law, sections 65 and 66

Subject: To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity.

Purpose: To continue to provide safe and reliable service to existing customers.

Substance of proposed rule: The Commission is considering a tariff filing submitted by KeySpan Gas East Corporation d/b/a National Grid (KEDLI or the Company) on November 14, 2018, to amend its gas tariff schedule, P.S.C. No. 1 – Gas.

The Company proposes to establish a provision in General Information Section II – Rules and Regulations, that will allow the Company to refuse applications for new or additional gas service if the Company determines there is insufficient gas supply and/or capacity to service the prospective customer(s) in the relevant area of its service territory. In the event the Company refuses an application for service, the proposed tariff amendment would require that KEDLI file a notice with the Commission indicating the areas of the Company's system, and the size of prospective customers, the Company is temporarily unable to serve.

The proposed tariff amendment would also require that the Company immediately notify the Commission if and when any such restriction on new customer load is lifted. The proposed amendments have an effective date of May 1, 2019.

The full text of the tariff filing 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.

(18-G-0709SP1)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

To Modify Provisions for Accepting New or Additional Gas Service Applications When There is Inadequate Supply or Capacity

I.D. No. PSC-01-19-00015-P

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

Proposed Action: The Commission is considering a proposal filed by The Brooklyn Union Gas Company d/b/a National Grid NY to modify its gas tariff schedule, P.S.C. No. 12, to provide flexibility in accepting applications for new or additional gas service.

Statutory authority: Public Service Law, sections 65 and 66

Subject: To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity.

Purpose: To continue to provide safe and reliable service to existing customers.

Substance of proposed rule: The Commission is considering a tariff filing submitted by The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY or the Company) on November 14, 2018, to amend its gas tariff schedule, P.S.C. No. 12 – Gas.

The Company proposes to establish a provision in General Information Section II – Rules and Regulations, that will allow the Company to refuse applications for new or additional gas service if the Company determines there is insufficient gas supply and/or capacity to service the prospective customer(s) in the relevant area of its service territory. In the event the Company refuses an application for service, the proposed tariff amendments would require that KEDNY file a notice with the Commission indicating the areas of the Company's system, and the size of prospective customers, the Company is temporarily unable to serve.

The proposed tariff amendment would also require that the Company immediately notify the Commission if and when any such restriction on new customer load is lifted. The proposed amendment has an effective date of May 1, 2019.

The full text of the tariff filing 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.

(18-G-0711SP1)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

To Modify Provisions for Accepting New or Additional Gas Service Applications When There is Inadequate Supply or Capacity

I.D. No. PSC-01-19-00016-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 its gas tariff schedule, P.S.C. No. 219, to provide flexibility in accepting applications for new or additional gas service.

Statutory authority: Public Service Law, sections 65 and 66

Subject: To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity.

Purpose: To continue to provide safe and reliable service to existing customers.

Substance of proposed rule: The Commission is considering a tariff filing submitted by Niagara Mohawk Power Corporation d/b/a National Grid (NMPC or the Company) on November 14, 2018, to amend its gas tariff schedule, P.S.C. No. 219 – Gas.

The Company proposes to establish a provision in General Information Section II – Rules and Regulations, that will allow the Company to refuse applications for new or additional gas service if the Company determines there is insufficient gas supply and/or capacity to service the prospective customer(s) in the relevant area of its service territory. In the event the Company refuses an application for service, the proposed tariff amendments would require that NMPC file a notice with the Commission indicating the areas of the Company's system, and the size of prospective customers, the Company is temporarily unable to serve.

The proposed tariff amendment would also require that the Company immediately notify the Commission if and when any such restriction on new customer load is lifted. The proposed amendment has an effective date of May 1, 2019.

The full text of the tariff filing 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.

(18-G-0710SP1)