
NEW YORK STATE **REGISTER**

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making, or a Notice of Emergency Adoption and Proposed Rule Making; and for 45 days after publication of a Notice of Revised Rule Making, or a Notice of Emergency Adoption and Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 60 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:

- the 60-day period expires on June 12, 2022
- the 45-day period expires on May 28, 2022
- the 30-day period expires on May 13, 2022

**KATHY HOCHUL
GOVERNOR**

**ROBERT J. RODRIGUEZ
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

The public is encouraged to comment on any of the proposed rules appearing in this issue. Comments must be made in writing and must be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address are printed in the notice of rule making. No special form is required; a handwritten letter will do. Individuals who access the online *Register* (www.dos.ny.gov) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments should reach the agency before expiration of the public comment period. The law provides for a minimum 60-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making, and a 45-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

When a time frame calculation ends on a Saturday or Sunday, the agency accepts public comment through the following Monday; when calculation ends on a holiday, public comment will be accepted through the following workday. Agencies cannot take action to adopt until the day after expiration of the public comment period.

The Administrative Regulations Review Commission (ARRC) reviews newly proposed regulations to examine issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission
State Capitol
Albany, NY 12247
Telephone: (518) 455-5091 or 455-2731

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KEY: (P) Proposal; (RP) Revised Proposal; (E) Emergency; (EP) Emergency and Proposal; (A) Adoption; (AA) Amended Adoption; (W) Withdrawal

Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the *Register* and follow the procedures on the website (www.dos.ny.gov)

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RULE MAKING ACTIVITIES

Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

AAM -the abbreviation to identify the adopting agency
01 -the *State Register* issue number
96 -the year
00001 -the Department of State number, assigned upon receipt of notice.
E -Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

Department of Agriculture and Markets

EMERGENCY RULE MAKING

License to Grow Hemp and Hemp Research Authorizations

I.D. No. AAM-02-22-00002-E

Filing No. 232

Filing Date: 2022-03-23

Effective Date: 2022-03-23

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

Action taken: Repeal of Part 159; addition of new Part 159 to Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 18, 506 and 508

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

Specific reasons underlying the finding of necessity: Pursuant to the Agriculture Improvement Act of 2018, the USDA is responsible for the oversight of the cultivation of hemp throughout the fifty states. The current Industrial Hemp Agricultural Research Pilot Program, which authorizes states to conduct agricultural research pilot programs for hemp, expires on January 1, 2022.

The USDA developed a regulatory scheme for hemp cultivation that allows states interested in administering hemp production programs to submit a plan for USDA approval, or alternatively, the USDA will administer hemp production in the various states. It was determined that the interests of New York State's hemp farmers would be best served by

the Department retaining responsibility for administering a hemp cultivation program. Therefore, the Department of Agriculture and Markets submitted a State Hemp Program Plan for USDA approval, which was approved by the USDA on November 19, 2021.

The proposed regulations will enable the Department to effectively implement and administer the licensing of commercial hemp cultivation. This regulation is also needed to provide current and new participants time to comply with the new regulatory regimen for the upcoming season, while avoiding a lapse in current hemp authorizations issued by the Department. Moreover, the regulations are needed to ensure that the Department has the authority to collect all the information necessary, including criminal background checks, to remain compliant with the Department's required reporting to the USDA.

Subject: License to Grow Hemp and Hemp Research Authorizations.

Purpose: To implement the New York State Hemp Grower License program.

Substance of emergency rule (Full text is posted at the following State website: <https://agriculture.ny.gov/express-terms-1-nycrr-part-159>): A summary of each section of the rule follows:

Section 159.1: Applicability. Establishes that all growers of hemp in the State are subject to these regulations.

Section 159.2: Definitions. This is the definition section.

Section 159.3: Licenses. This section establishes two types of licenses, license applicability, and provides that licenses may not be sold or transferred.

Section 159.4: License applications. This section establishes requirements for applying for hemp grower license.

Section 159.5: Licensing Conditions. This section establishes site and facilities requirements before a hemp grower license may be issued.

Section 159.6: License term, form, and amendment. This section establishes the form of licenses issued, and conditions covering amendments to licenses.

Section 159.7: License renewal. This section establishes the conditions of license renewals, including the fee and time limits for the submission of a renewal application.

Section 159.8: Granting, denying, and revoking licenses. This section establishes the requirements that shall be considered by the Department before granting, denying, and revoking licenses issued under this Part.

Section 159.9: Grower Inspection. This section establishes the conditions governing inspections conducted by the Department to ensure recordkeeping and compliance requirements are met.

Section 159.10: Sampling for Acceptable Hemp THC Levels. This section establishes the sampling agent requirements to sample crop for testing.

Section 159.11: Regulatory THC testing. This section establishes testing and laboratory requirements to ensure hemp grown meets the acceptable THC levels.

Section 159.12: Disposal or remediation of non-compliant hemp. This section establishes requirements for the disposal and the manners in which to remediate crop exceeding the acceptable THC levels.

Section 159.13: Recordkeeping. This section establishes the information required to be maintained by each grower licensed under this Part and the information to be maintained by the Department.

Section 159.14: Reporting requirements. This section establishes reporting requirements to the Farm Service Agency, information required for planting reports, pre-harvest reports, post-harvest reports, and any additional reporting requirements to facilitate regulatory oversight by the Department.

Section 159.15: Infractions and Violations. This section establishes the various categories of violations and their respective penalties.

Section 159.16: License suspension. This section establishes the procedure for licenses suspension, and the conditions which may cause a license suspension.

Section 159.17. This section establishes that the sale of hemp seed and plant is only permitted with a licensed issued under this part and additional

registrations or other permits as may be required by the Department, State, or federal law.

Section 159.18. Aids to enforcement. This section establishes the Commissioner's powers with respect to access to premises, inspection warrants, quarantine powers, and stop sale orders.

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. AAM-02-22-00002-EP. Issue of January 12, 2022. The emergency rule will expire May 21, 2022.

Text of rule and any required statements and analyses may be obtained from: Timothy Sweeney, Agricultural Policy Analyst, Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235, (518) 457-2039, email: Timothy.Sweeney@agriculture.ny.gov

Regulatory Impact Statement

1. Statutory authority:

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

AML Section 506 provides for the growth, sale, distribution, transportation, and processing of hemp and hemp-derived products. Further, AML Section 508 provides, in pertinent part, that the Commissioner is authorized to adopt, amend, promulgate rules and regulations consistent with Article 29 for the purposes of the State's administration of a hemp (*Cannabis sativa* L.) program, established pursuant to federal law, to allow the cultivation of hemp, and licensing of hemp growers in New York State, and sets forth general criteria for the administration of a hemp grower license.

2. Legislative objectives:

These proposed regulations implement and promote the State legislative policy objectives of supporting the economic advantages arising from the production of hemp and hemp-derived products. A critical part of administering a federally compliant hemp production program in New York State is the adoption of these regulations to provide a regulatory framework consistent with the New York State Hemp Program Plan approved by the United States Department of Agriculture (USDA). These regulations are designed to support the growth of the hemp industry and set forth regulatory requirements needed to ensure a safe and successful industry.

3. Needs and benefits:

Pursuant to the Agriculture Improvement Act of 2018 (2018 Farm Bill), the USDA is responsible for the oversight of the cultivation of hemp throughout the fifty states. The current Industrial Hemp Agricultural Research Pilot Program, which authorizes states to conduct agricultural research pilot programs for hemp, expires on January 1, 2022.

The USDA developed a regulatory scheme for hemp cultivation that allows states interested in administering hemp production programs to submit a plan for USDA approval, or alternatively, the USDA will administer hemp production in the various states. It was determined that the interests of New York State's hemp farmers would be best served by the Department retaining responsibility for administering a hemp cultivation program. Therefore, the Department of Agriculture and Markets submitted a State Hemp Program Plan for USDA approval, which was approved by the USDA on November 19, 2021.

The proposed regulations will enable the Department to effectively implement and administer the licensing of commercial hemp cultivation. This regulation is also needed to provide current and new participants time to comply with the new regulatory regimen for the upcoming season, while avoiding a lapse in current hemp authorizations issued by the Department.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: The application fee for a three-year license will be \$500.00, which will remain unchanged from the current authorization fee under the current pilot program. However, the proposed rule implements a fee for filing an amendment to an application. There will also be a fee incurred by growers related to the new federal requirement that all growers and key participants submit a criminal history report—the Identity History Summary issued by the Federal Bureau of Investigation. There are also costs associated with new sampling and testing procedures, requiring the hiring of approved private sampling agents to sample hemp crop for THC, and private lab testing of crop samples to ensure that the crop is within the allowable THC level.

(b) Costs to the agency, the State, and local governments for the implementation and continuation of the rule: Since the proposed regulatory package affects the transition of an existing regulatory program, there

are no anticipated increased cost to the Department, other than the addition of two staff members to administer the program. There are no anticipated costs to local governments, or other State agencies for the implementation of the proposed rule.

(c) The information, including the sources of such information and the methodology upon which the cost analysis is based: The costs analysis set forth above is based upon observations of the operation and administration of the current industrial hemp program, which is set to expire on January 1, 2022.

5. Local government mandates:

The proposed rule does not impose any program, service, duty or responsibility on any county, city, town, village, school district, fire district or other special district.

6. Paperwork:

Any person seeking to grow hemp in New York State must first apply to the Department for a hemp grower license. Once approved, hemp growers must comply with the requirement for periodic reporting, sampling of their crop, and testing to ensure the hemp is within the acceptable THC level of not more than 0.3% total. Failure to license a growing location and failure to comply with the reporting, sampling, and testing requirements can result in loss of a grower's license. Much of the reporting required under the regulations has been in place during the term of the current Industrial Hemp Agricultural Research Pilot Program. There is, however, a federal requirement that all hemp growers register their growing locations in person with their local USDA Farm Service Agency (FSA) office. The FSA registration is an additional step that has heretofore not been required. There is also a new federal requirement that all growers and key participants submit an Identity History Summary issued by the Federal Bureau of Investigation.

The proposed regulations will allow electronic submissions whenever possible to ease the transfer of data and other information. The Department is developing new forms to simplify and standardize electronic reporting to ease the paperwork requirements imposed by the proposed regulations. It should be noted that any reporting required by these regulations is needed for the Department to comply with its required reporting to the USDA. There is very little, if any, opportunity for regulatory discretion or flexibility.

7. Duplication:

The proposed rule does not duplicate any existing state or federal rule. The rules do, however, mirror some requirements of the federal rule for the production of hemp, which are required for the Department to comply with federal rules and regulations.

8. Alternatives:

The Department is restricted to the regulatory framework established by the USDA and AML Article 29. The proposed regulations have been drafted to minimize adverse impacts for New York's farmers, while still complying with the federal law and rules for the growing of hemp under a program administered by the Department.

9. Federal standards:

The proposed rule does not exceed any minimum federal standards imposed by the USDA and requires compliance with certain USDA requirements.

10. Compliance schedule:

The regulations will become effective immediately, upon filing with the Department of State to avoid any lapse in grower authorization.

Regulatory Flexibility Analysis

1. Effect of Rule

The effect of the proposed rule will be to transition hemp growers currently operating under authorizations in New York State Hemp Agricultural Research Pilot Program (Pilot Program) to commercial licensees, operating in compliance with the requirements of a newly created federal program authorizing the state commercial cultivation of hemp. It also permits individuals or entities who have not previously been authorized to cultivate hemp in New York State to obtain cultivation licenses.

The regulations provide clear and simple licensing requirements, providing much needed certainty to the terms and conditions for the growth of hemp. The regulations require growers to be licensed and the reporting of location(s) of areas in which hemp will be grown. Due to the termination of the previously authorized federal agricultural pilot program in which the State participated on January 1, 2022, all currently authorized hemp growers wishing to grow hemp in 2022 and beyond will be required to apply to the Department for a new license. There are currently approximately 800 authorized hemp growers who could potentially be impacted by this proposed rule.

Given changes in the hemp market and other considerations, it is unlikely that all 800 currently authorized growers will apply to participate in the new hemp grower program being implemented, pursuant to federal law and these regulations. As the hemp industry is relatively new, it is estimated that most, if not all, registered growers are small businesses.

2. Compliance Requirements

Any person seeking to grow hemp in New York State must first apply to the Department for a hemp grower license. Once approved, hemp growers must comply with the requirement for periodic reporting, sampling of their crop, and testing to ensure the hemp is within the acceptable THC level of not more than 0.3% total. Failure to license a growing location and failure to comply with the reporting, sampling, and testing requirements can result in loss of a grower's license. Much of the reporting required under the regulations has been in place during the term of the current Industrial Hemp Agricultural Research Pilot Program. There is, however, a federal requirement that all hemp growers register their growing locations in person with their local USDA Farm Service Agency (FSA) office. The FSA registration is an additional step that has heretofore not been required. There is also a new federal requirement that all growers and key participants submit an Identity History Summary issued by the Federal Bureau of Investigation.

3. Professional Services

Licensed hemp growers will need to engage the services of a certified sampling agent to sample hemp crop for THC, and private lab testing of crop samples to ensure that the crop is within the allowable THC level.

4. Compliance Costs

The application fee for a three-year license will be \$500.00, which will remain unchanged from the current authorization fee under the current pilot program. However, the proposed rule implements a fee for filing an amendment to an application. There will also be a fee incurred by growers related to the new federal requirement that all growers and key participants submit a criminal history report—the Identity History Summary issued by the Federal Bureau of Investigation. There are also costs associated with new sampling and testing procedures, requiring the hiring of approved private sampling agents to sample hemp crop for tetrahydrocannabinol (THC) content concentration level, and private lab testing of crop samples to ensure that the crop is within the allowable THC level. The cost of hiring a certified sampling agent and lab testing will vary based on the size of the grower's operation and the number of tests that will be conducted by the selected lab.

There are no anticipated additional costs for local governments.

5. Economic and Technological Feasibility

The economic and technological feasibility of compliance with the proposed rule by small businesses and local governments has been considered. The Department has concluded that the expenses required by the regulatory requirements are reasonable and required for the cultivation of a highly regulated crop. No specialized software or technology is required. The proposed regulations will allow electronic submissions whenever possible to ease the transfer of data and other information. The Department is developing new forms to simplify and standardize electronic reporting to ease the paperwork requirements imposed by the proposed regulations. It should be noted that any reporting required by these regulations is needed for the Department to comply with its required reporting to the USDA. There is very little, if any, opportunity for regulatory discretion or flexibility.

6. Minimizing Adverse Impact

The Department is restricted to the regulatory framework established by the USDA and AML Article 29. The proposed regulations have been drafted to minimize adverse impacts for New York's farmers, while still complying with the federal law and rules for the growing of hemp under a program administered by the Department.

7. Small Business and Local Government Participation

The Department has participated in several outreach events sponsored by Cornell University and Cornell Cooperative Extension to inform small businesses of the anticipated changes to the State's hemp program. The Department is and will continue to keep stakeholder groups informed concerning this rule and will incorporate information about this rule into industry outreach events.

There are no anticipated effects of the proposed rule on local governments.

Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas:

Hemp grown in New York State will be predominately located in rural areas of the State. The Department estimates that approximately 75 percent of current registered growers are located in counties and areas that are considered rural. Further, with respect to those operations which may not be located in areas defined as rural, the associated growing areas have the potential to be exclusively located in rural areas.

2. Reporting, Recordkeeping, and Compliance Requirements; and Professional Services:

(a) Reporting and Recordkeeping Requirements. Failure to license a growing location and comply with the reporting, sampling, and testing requirements can result in loss of a grower's license. Much of the reporting required under the regulations has been in place during the term of the current Industrial Hemp Agricultural Research Pilot Program. There is, however, a federal requirement that all hemp growers register their grow-

ing locations in person with their local USDA Farm Service Agency (FSA) office. The FSA registration is an additional step that has heretofore not been required. There is also a new federal requirement that all growers and key participants submit an Identity History Summary issued by the Federal Bureau of Investigation.

The proposed regulations will allow electronic submissions whenever possible to ease the transfer of data and other information. The Department is developing new forms to simplify and standardize electronic reporting to ease the paperwork requirements imposed by the proposed regulations. It should be noted that any reporting required by these regulations is needed for the Department to comply with its required reporting to the USDA. There is very little, if any, opportunity for regulatory discretion or flexibility.

(b) Compliance Requirements. Any person seeking to grow hemp in New York State must first apply to the Department for a hemp grower license. Once approved, hemp growers must comply with the requirement for periodic reporting, sampling of their crop, and testing to ensure the hemp is within the acceptable THC level of not more than 0.3% total. There is a federal requirement that all hemp growers register their growing locations in person with their local USDA Farm Service Agency (FSA) office. The FSA registration is an additional step that has heretofore not been required. There is also a new federal requirement that all growers and key participants submit an Identity History Summary issued by the Federal Bureau of Investigation.

(c) Professional Services Requirements. Licensed hemp growers will need to engage the services of a certified sampling agent to sample hemp crop for THC, and private lab testing of crop samples to ensure that the crop is within the allowable THC level.

3. Costs:

The application fee for a three-year license will be \$500.00, which will remain unchanged from the current authorization fee under the current pilot program. However, the proposed rule implements a fee for filing an amendment to an application. There will also be a fee incurred by growers related to the new federal requirement that all growers and key participants submit a criminal history report—the Identity History Summary issued by the Federal Bureau of Investigation. There are also costs associated with new sampling and testing procedures, requiring the hiring of approved private sampling agents to sample hemp crop for tetrahydrocannabinol (THC) content concentration level, and private lab testing of crop samples to ensure that the crop is within the allowable THC level. The cost of hiring a certified sampling agent and lab testing will vary based on the size of the grower's operation and the number of tests that will be conducted by the selected lab.

4. Minimizing Adverse Impact:

The Department is restricted to the regulatory framework established by the USDA and AML Article 29. The proposed regulations have been drafted to minimize adverse impacts for New York's farmers, while still complying with the federal law and rules for the growing of hemp under a program administered by the Department.

5. Rural Area Participation:

The Department has participated in several outreach events sponsored by Cornell University and Cornell Cooperative Extension to inform rural communities of the anticipated changes to the State's hemp program. The Department is and will continue to keep stakeholder groups informed concerning this rule and will incorporate information about this rule into industry outreach events.

Job Impact Statement

New York State, recognizing the economic potential of hemp and hemp-derived products, has passed several pieces of legislation and launched several initiatives to bolster the cultivation of hemp and expand the market in New York.

The proposed rule implements a commercial licensing program pursuant to federal and State law, establishing permanent regulations governing the issuance of licenses to grow, cultivate, and handle hemp under Article 29 of the Agriculture and Markets Law. More specifically, the proposed regulations establish the terms and conditions for the growth, cultivation, and handling of industrial hemp, including provisions concerning licensing, recordkeeping, security, and testing. The regulations are designed to help ensure a safe and successful hemp industry and will provide the structure to support commercial cultivation and continued hemp research.

Therefore, the proposed rule is expected to have a positive impact on jobs and employment opportunities as the regulations move from limited pilot projects to the establishment of hemp as a commercial crop designed to support and strengthen a relatively new industry throughout the State.

Assessment of Public Comment

The agency received no public comment.

State Commission of Correction

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Segregated Confinement

I.D. No. CMC-15-22-00007-EP

Filing No. 245

Filing Date: 2022-03-29

Effective Date: 2022-03-31

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

Proposed Action: Addition of sections 7001.1(f), 7005.2(c), Parts 7076, 7077; amendment of sections 7003.3(j)(6), 7006.1, 7006.7(a), 7006.8, 7006.9(a)(5), 7017.1, 7028.2(d), 7075.1, 7075.2, 7075.3, 7075.4 and 7075.5 of Title 9 NYCRR.

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

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

Specific reasons underlying the finding of necessity: On March 31, 2021, Governor Cuomo signed into law what is commonly known as the Humane Alternatives to Long-Term Solitary Confinement (HALT) Act (Chapter 93 of the Laws of 2021), which generally serves to restrict the use of segregated confinement in state and local correctional facilities, while creating alternative therapeutic and rehabilitative confinement options.

The legislation places strict limitations on a local correctional facility's use of segregated confinement, which is defined as the confinement of an incarcerated individual to a cell in excess of 17 hours per day, with limited exceptions. The segregated confinement of incarcerated individuals 21 years of age and younger, 55 years of age or older, disabled or pregnant is prohibited. Out-of-cell programming must generally be offered to individuals in segregated confinement at least 4 hours per day, and at least 6 hours per day for individuals confined in residential rehabilitation units, utilized by large facilities for incarcerated individuals who have reached the time limitations of segregated confinement.

The HALT Act imposes numerous and precise requirements on the conditions, programming, duration and reporting of a local correctional facility's use of segregated confinement and operation of a residential rehabilitation unit. Consequently, the proposed rulemaking is immediately necessary to conform with the enactment of the HALT Act and to provide local governments with the rules necessary to comply with the legislation.

For the aforementioned reasons, SCOC finds that immediate adoption of the rule is necessary for the preservation of public safety and general welfare, and that compliance with the rulemaking procedures set forth in State Administrative Procedure Act section 202(1) would be contrary to the public interest. By immediately adopting these regulations, SCOC will be able to ensure that the incarcerated individuals of local correctional facilities are not subject to segregated confinement or confinement to a residential rehabilitation unit in violation of the requirements of the HALT Act. Given the upcoming statutory deadline, emergency adoption is needed to require timely compliance with the legislation. Thus, SCOC finds that the regulation must be adopted and implemented effective March 31, 2022 on an emergency basis, and compliance with the minimum periods of notice, public comment and other requirements of State Administrative Procedure Act section 202(1) would be contrary to the public interest.

Subject: Segregated confinement.

Purpose: Set minimum standards for the imposition of segregated confinement and the operation of RRU's in jails.

Substance of emergency/proposed rule (Full text is posted at the following State website: www.scoc.ny.gov): A new Part 7076 of Title 9 NYCRR is established that provides minimum standards for conditions, programming, duration, recordkeeping and reporting of segregated confinement with respect to incarcerated individuals of a local correctional facility.

A new Part 7077 of Title 9 NYCRR is established that provides minimum standards for conditions, programming, duration, recordkeeping and reporting of an incarcerated individual's assignment to a residential rehabilitation unit of a local correctional facility.

Existing SCOC jail regulations are amended as follows:

(a) Requiring a local correctional facility's annual report to the Commission detailing all aspects of segregated confinement and residential rehabilitation units occurring in the facility during the preceding calendar year;

(b) Prohibiting the confinement of an incarcerated individual to a shower area in excess of the time necessary to complete the shower;

(c) Limiting the use of segregated confinement pending a disciplinary hearing;

(d) Requiring minimum training of disciplinary hearing officers prior to presiding over hearings;

(e) Allowing representation by an attorney, law student, paralegal or other incarcerated person at a disciplinary hearing in which segregated confinement is an authorized sanction; and

(f) Requiring specialized training of all special housing unit and RRU staff and supervisors prior to assignment.

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 June 26, 2022.

Text of rule and any required statements and analyses may be obtained from: Deborah Slack-Bean, Associate Attorney, Commission of Correction, Alfred E. Smith State Office Building, 80 S. Swan Street, 12th Floor, Albany, New York 12210, (518) 485-2346, email: Deborah.Slack-Bean@scoc.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

The New York State Commission of Correction ("Commission") seeks to add a new subdivision (f) of section 7000.1, amend paragraph (6) of subdivision (j) of section 7003.3, add a new subdivision (c) of section 7005.2, amend section 7006.1, amend subdivision (a) of section 7006.7, amend subdivisions (a), (b) and (c) of section 7006.8, amend paragraph (5) of subdivision (a) of section 7006.9, amend section 7017.1, amend subdivision (d) of section 7028.2, amend the title of Part 7075, amend section 7075.1, amend section 7075.2, amend section 7075.3, amend section 7075.4, amend section 7075.5, add a new Part 7076, and add a new Part 7077 of Title 9 NYCRR.

1. Statutory authority:

Subsection (6) of section 45 of the Correction Law authorizes the Commission to promulgate rules and regulations establishing minimum standards for the care, custody, correction, treatment, supervision, discipline, and other correctional programs for all person confined in the correctional facilities of New York State. Subdivision (15) of section 45 of the Correction Law allows the Commission to adopt, amend or rescind such rules and regulations as may be necessary or convenient to the performance of its functions, powers and duties.

2. Legislative objectives:

By vesting the Commission with this rulemaking authority, and recently amending Correction Law section 45(18) to require the Commission to assess and annually report on the compliance of local correctional facilities with statutory requirements, the Legislature intended the Commission to maintain minimum standards for the segregated confinement of incarcerated individuals and the operation of residential rehabilitation units.

3. Needs and benefits:

On March 31, 2021, Governor Cuomo signed into law what is commonly known as the Humane Alternatives to Long-Term Solitary Confinement (HALT) Act (Chapter 93 of the Laws of 2021), which generally serves to restrict the use of segregated confinement in state and local correctional facilities, while creating alternative therapeutic and rehabilitative confinement options.

The legislation places strict limitations on a local correctional facility's use of segregated confinement, which is defined as the confinement of an incarcerated individual to a cell in excess of 17 hours per day, with limited exceptions. The segregated confinement of incarcerated individuals 21 years of age and younger, 55 years of age or older, disabled or pregnant is prohibited. Out-of-cell programming must generally be offered to individuals in segregated confinement at least 4 hours per day, and at least 6 hours per day for individuals confined in residential rehabilitation units, utilized by large facilities for incarcerated individuals who have reached the time limitations of segregated confinement.

The HALT Act imposes numerous and precise requirements on the conditions, programming, duration and reporting of a local correctional facility's use of segregated confinement and operation of a residential rehabilitation unit. Although inclusive, the legislation is not organized or conveyed in a manner that allows for immediate reference and comprehension by correctional facility staff. Incorporating the various requirements of the HALT Act within the systemic construct of the Commission's existing regulations will provide facility administrators with a more straightforward

ward and organized source of reference. Consequently, the proposed rulemaking is immediately necessary to conform with the enactment of the HALT Act and to provide local governments with the rules necessary to comply with the legislation.

4. Costs:

a. Costs to regulated parties for the implementation of and continuing compliance with the rule: None. As set forth above, restrictions on the use of segregated confinement and the creation of alternative therapeutic and rehabilitative confinement options in local correctional facilities was required by recent legislation. Compliance with the proposed rule will not result in any additional costs to county and municipal agencies operating such jails.

b. Costs to the agency, the State and local governments for the implementation and continuation of the rule: None. The regulation does not apply to state agencies or governmental bodies. As set forth above in subdivision (a), there would not be any additional costs to local governments.

c. This statement detailing the projected costs of the rule is based upon the Commission's oversight and experience relative to the operation and function of adult jails.

5. Local government mandates:

The rulemaking mirrors recent legislation that restricts the use of segregated confinement and creates alternative therapeutic and rehabilitative confinement options in local correctional facilities, effective March 31, 2022.

6. Paperwork:

Recent legislation already requires each local correctional facility to track, maintain and publish data with respect to incarcerated individuals placed in segregated confinement and residential rehabilitation units. The proposed rulemaking will, for purposes of compiling the Commission's annual statewide report, require that local correctional facilities forward such data to the Commission on an annual basis.

7. Duplication:

The rule conforms to recent legislation that restricts the use of segregated confinement and creates alternative therapeutic and rehabilitative confinement options in local correctional facilities, effective March 31, 2022.

8. Alternatives:

Given the legislation that restricts the use of segregated confinement and creates alternative therapeutic and rehabilitative confinement options in local correctional facilities, the Commission did not see any alternative to promulgating conforming regulations.

9. Federal standards:

There are no applicable minimum standards of the federal government.

10. Compliance schedule:

Each local jurisdiction is expected to be able to achieve compliance with the proposed rule effective March 31, 2022.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not required pursuant to subdivision three of section 202-b of the State Administrative Procedure Act because the rule does not impose an adverse economic impact on small businesses or local governments. The proposed rule seeks only to conform regulations to recent legislation that restricts the use of segregated confinement and creates alternative therapeutic and rehabilitative confinement options in local correctional facilities. The proposed rule does not impose any new mandates on local facilities, just reiterates the reporting, recordkeeping and training requirements contained in the Correction Law as part of the HALT Act. Consequently, the rule will not have an adverse impact on small businesses or local governments, nor impose any additional significant reporting, record keeping, or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not required pursuant to subdivision four of section 202-bb of the State Administrative Procedure Act because the rule does not impose an adverse impact on rural areas. The proposed rule seeks only to conform regulations to recent legislation that restricts the use of segregated confinement and creates alternative therapeutic and rehabilitative confinement options in local correctional facilities. Consequently, it will not impose an adverse economic impact on rural areas, nor impose any additional significant record keeping, reporting, or other compliance requirements on private or public entities in rural areas.

Job Impact Statement

A job impact statement is not required pursuant to subdivision two of section 201-a of the State Administrative Procedure Act because the rule will not have a substantial adverse impact on jobs and employment opportunities, as apparent from its nature and purpose. The proposed rule seeks only to conform regulations to recent legislation that restricts the use of segre-

gated confinement and creates alternative therapeutic and rehabilitative confinement options in local correctional facilities. As such, there will be no impact on jobs and employment opportunities.

Division of Criminal Justice Services

EMERGENCY RULE MAKING

Professional Policing Standards

I.D. No. CJS-42-21-00004-E

Filing No. 240

Filing Date: 2022-03-28

Effective Date: 2022-03-28

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

Action taken: Repeal of Parts 6000, 6056; addition of new Parts 6000 and 6056 to Title 9 NYCRR.

Statutory authority: Executive Law, sections 837(13), 840(2), (2-b), 845(1), (2), (3); General Municipal Law, section 209-q; L. 2021, ch. 59, part BBB

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

Specific reasons underlying the finding of necessity: I, Rossana Rosado, Commissioner of the Division of Criminal Justice Services (Division), do hereby repeal and add Parts 6000 and 6056 of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York; and do hereby certify that the attached text of Parts 6000 and 6056 of Title 9 of the Official Compilation of Codes, Rules and Regulations is complete and accurate. Accordingly, I hereby promulgate the attached regulations.

I determined that it is necessary for the preservation of public safety and the general welfare of people of the State of New York that the attached regulations be adopted on an emergency basis, as authorized by section 202(6) of the State Administrative Procedure Act, effective immediately upon filing with the Department of State.

At the forefront of the national discussion involving policing in America is law enforcement's use of excessive force and other misconduct, and public unrest and distrust in the law enforcement profession. Part BBB of Chapter 59 of the Laws of 2021 establishes the "New York State Professional Policing Act of 2021" to enhance public safety through the employment of the most effective, professional, and respectful police forces in the nation. The attached amendments will create a regulatory framework for hiring standards, including psychological testing and enhanced minimum background investigations. The amendments will also redefine removal for cause and establish a process for the Division to correct any material inaccuracy reported by a law enforcement agency which affects the certification standing of an officer. Police officers who have been decertified may be ineligible for future certifications; thus, they may be prohibited from being a police officer in New York.

Maintaining public safety is imperative as it will foster better relations between police and the communities they serve. The failure to promulgate this rule on an emergency basis, and the failure to hold police officers who engage in serious misconduct accountable and to prevent bad actors from serving as police officers, will undermine public safety. For that reason, it would, in this case, be contrary to the general welfare of the People of the State of New York to adhere to the normal requirements of the rule-making process.

NOW, THEREFORE, be it known that the attached rules and regulations are duly adopted pursuant to the authority vested in me by Executive Law § 837(13) and shall be effective immediately upon filing with the Department of State.

Subject: Professional Policing Standards.

Purpose: Implementation of the "New York State Professional Policing Act of 2021".

Substance of emergency rule (Full text is posted at the following State website: <https://www.criminaljustice.ny.gov/>): Introduction

Part BBB of Chapter 59 of the Laws of 2021 establishes the "New York State Professional Policing Act of 2021" to hold police officers who engage in serious misconduct accountable and prevent bad actors from

serving as police officers. These requirements will enhance public safety through the employment of the most effective, professional, and respectful police forces in the nation.

The amendments will create the regulatory framework for hiring standards, including psychological testing and enhanced minimum background investigations. The amendments will also redefine removal for cause and establish a process for the New York State Division of Criminal Justice Services ("Division") to correct any material inaccuracy reported by a law enforcement agency which affects the certification standing of an officer. Police officers who have been decertified may be ineligible for future certifications; thus, they may be prohibited from being a police officer in New York.

Summary of Part 6000

With the enactment of the New York State Professional Policing Act of 2021, the Municipal Police Training Council was directed to establish rules and regulations pertaining to the psychological requirements and background investigations of persons for provisional or permanent appointment in the competitive class of the civil service as police officers of any county, city, town, village or police district to determine the candidate's fitness and eligibility. These regulations are intended to ensure that all persons appointed to the position of police officer are held to the same hiring standards, and promote professional police services. All law enforcement officers must be of good moral character as determined by a thorough background investigation to ensure persons who engage in illegal, dishonest, unprofessional, unethical, or immoral conduct are prohibited from becoming police officers, and to protect against acts or conduct which may endanger the safety and welfare of the public. All police officers must also be emotionally stable and psychologically fit to perform the essential functions of a police officer, and endure the uniquely stressful working conditions. Consistent background investigation procedures and standards, as set forth in section 6000.10 of this Part, and psychological standards, as set forth in section 6000.11 of this Part, will ensure that all New York police agencies and police officers are held to identical hiring standards with the goal of ensuring that police interactions with all individuals are appropriate and that the rights of all parties are respected.

Summary of Part 6056

Historically, when an officer separated from a department after a disciplinary hearing, or resigned or retired while disciplinary proceedings were pending, there was no reporting mechanism in place to ensure the invalidation of the officer's training certificate. These "certified" officers were attractive candidates to other departments for a variety of reasons, but they were hired in relative anonymity with respect to the misconduct leading to their prior separation. In 2016, the Division adopted regulations to prevent these occurrences by defining removal for cause and removal during probationary period; compelling police departments to report, to the Division, officers who cease to serve in their departments and the reasons for such; and immediately invalidating a training certificate when an officer is removed for cause or removed during a probationary period.

Presently, removal for cause means removal after a hearing on stated charges pursuant to section 75 of the Civil Service Law, or retirement or resignation while disciplinary charges pursuant to section 75 of the Civil Service Law, which may result in removal, are pending. Removal during probationary period means a probationary period not successfully completed due to incompetence or misconduct that would have subjected a permanent employee to disciplinary charges pursuant to section 75 of the Civil Service Law.

Unfortunately, there are loopholes in the current structure. Under the new framework, removal for cause of a full-time or part-time police officer or peace officer means when an officer has an interruption in service subsequent to and in connection with allegations of misconduct which are known or should be known to the employer or any officer or employee of the employer agency or is being investigated by another agency or entity. Misconduct includes: (a) criminal activity, whether criminally charged or prosecuted, regardless of where the act took place if said conduct would constitute an offense in New York; (b) dishonesty; (c) use of excessive force; (d) abuse; and (e) conflicts of interest. (2) Interruption from service includes separation: (a) pursuant to: a hearing held under section 75 of the Civil Service Law; a collective bargaining agreement, or any general, special or local law, or charter provision in accordance with section 76 of the Civil Service Law; or any other applicable law; or (b) by an employee's resignation or retirement; or (c) after an employee's waiver of any rights available. Removal during a probationary period means a probationary period not successfully completed due to misconduct.

The amendments also create a resolution and due process structure when it appears to the Commissioner of the Division that there is a material inaccuracy in an employer's reporting of the reason an officer ceased to serve.

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. CJS-42-21-00004-EP, Issue of October 20, 2021. The emergency rule will expire May 26, 2022.

Text of rule and any required statements and analyses may be obtained from: Natasha Harvin-Locklear, Esq., Division of Criminal Justice Services, 80 S. Swan Street, Albany, New York 12210, (518) 457-8413, email: dcjslegalrulemaking@dcjs.ny.gov

Regulatory Impact Statement

1. Statutory authority: The authority for the promulgation of these regulations is contained in Part BBB of Chapter 59 of the Laws of 2021, Executive Law Sections 837(13); 840(2) and (2-b); 845(1), (2), and (3) and General Municipal Law Section 209-q.

Part BBB of Chapter 59 of the Laws of 2021 establishes the "New York State Professional Policing Act of 2021."

Executive Law Section 837(13) authorizes the Division of Criminal Justice Services (Division) to adopt, amend or rescind regulations "as may be necessary or convenient to the performance of the functions, powers and duties of the [D]ivision."

Executive Law section 840(2) authorizes the Municipal Police Training Council to establish background investigation standards. Executive Law Section 840(2-b) empowers the Municipal Police Training Council to promulgate regulations regarding physical fitness and psychological requirements of police officers.

Executive Law Section 845(1) requires the Division to maintain a Central State Registry of Police Officers and Peace Officers. Executive Law Section 845(2) requires employers to notify the Division when an officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. Executive Law Executive Law section 845(3) authorizes the Division to establish rules and regulations for a permanent system of identification for each police officer, and a process when there is a discrepancy in reporting by employers.

Pursuant to General Municipal Law Section 209-q(1), a certificate of completion attesting to the fulfillment of the training requirements for police officers shall immediately be deemed invalid when an officer ceases to serve and the reason is removal for cause.

2. Legislative objectives: Part BBB of Chapter 59 of the Laws of 2021 establishes the "New York State Professional Policing Act of 2021" to hold police officers who engage in serious misconduct accountable and prevent bad actors from serving as police officers. These requirements will enhance public safety through the employment of the most effective, professional, and respectful police forces in the nation.

3. Needs and benefits: The amendments will create regulatory framework for hiring standards including psychological testing and enhanced minimum background investigations. The amendments will also redefine removal for cause and establish a process for the Division to correct any material inaccuracy reported by a law enforcement agency which affects the certification standing of an officer. Police officers who have been decertified may be ineligible for future certifications; thus, they may be prohibited from being a police officer in New York.

4. Costs: The costs to the regulated parties, the agency, or state and local governments expected for the implementation of and continuing compliance with the rule are undetermined and may vary, and are contingent upon:

- Training on the new law, regulations, and requirements;
- Background investigations of police officer candidates, including, but not limited to, fingerprint-based criminal history searches, and polygraph examinations, unless prohibited by law. Many departments are currently conducting thorough checks;
- Psychological reviews of police officer candidates by a qualified psychiatrist or psychologist. Such psychological reviews are to be performed only after a conditional offer of employment has been given. Many departments are currently conducting such reviews;
- The use of existing resources;
- Police officer candidates are already required to undergo a medical review, complete the physical fitness screening elements, and meet other relevant pre-offer conditions;
- Employers are already required to report to the Division the names of all police officers who cease to serve with the employer. The proposed regulations will ensure that employers comply with the reporting standards and notify the Division when a police officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. The amendments also redefine removal for cause.

5. Local government mandates: Police officer candidates are already required to undergo a medical review, complete the physical fitness screening elements, and meet other relevant pre-offer conditions. The amendments will merely add a requirement for a psychological review and standard minimum background investigation. Employers are already required to report to the Division the names of all police officers who cease to serve

with the employer. The proposed regulations will ensure that employers comply with the reporting standards and notify the Division when a police officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. The amendments also redefine removal for cause.

6. Paperwork: The employers may have paperwork within its agency. However, each employer shall submit all information required to be reported to the Division in the manner prescribed by the Division, such as utilizing the Division's web-based records management system (or its successor).

7. Duplication: There are no other Federal or State legal requirements that duplicate the proposed rule.

8. Alternatives: There are no alternatives. The existing rule required modification pursuant to legislation.

9. Federal standards: There are no federal standards.

10. Compliance schedule: Regulated parties are expected to be able to achieve compliance with the proposed rule beginning October 16, 2021.

Regulatory Flexibility Analysis

1. Effect of rule: The proposed rule applies to municipal police departments in New York State. The proposal does not apply to small businesses.

2. Compliance requirements: Part BBB of Chapter 59 of the Laws of 2021 establishes the "New York State Professional Policing Act of 2021" to hold police officers who engage in serious misconduct accountable and prevent bad actors from serving as police officers. These requirements will enhance public safety through the employment of the most effective, professional, and respectful police forces in the nation.

The amendments will create regulatory framework for hiring standards including psychological testing and enhanced minimum background investigations. The amendments will also redefine removal for cause and establish a process for the Division to correct any material inaccuracy reported by a law enforcement agency which affects the certification standing of an officer. Police officers who have been decertified may be ineligible for future certifications; thus, they may be prohibited from being a police officer in New York.

3. Professional services: Professional printing and/or IT services may be needed to comply with the proposed rule.

4. Compliance costs: The costs to the regulated parties, the agency, or state and local governments expected for the implementation of and continuing compliance with the rule are undetermined and may vary, and are contingent upon:

- Training on the new law, regulations, and requirements;
- Background investigations of police officer candidates, including, but not limited to, fingerprint-based criminal history searches, and polygraph examinations, unless prohibited by law. Many departments are currently conducting thorough checks;
- Psychological reviews of police officer candidates by a qualified psychiatrist or psychologist. Such psychological reviews are to be performed only after a conditional offer of employment has been given. Many departments are currently conducting such reviews;
- The use of existing resources;
- Police officer candidates are already required to undergo a medical review, complete the physical fitness screening elements, and meet other relevant pre-offer conditions;
- Employers are already required to report to the Division the names of all police officers who cease to serve with the employer. The proposed regulations will ensure that employers comply with the reporting standards and notify the Division when a police officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. The amendments also redefine removal for cause.

5. Economic and technological feasibility: No economic or technological impediments to compliance have been identified.

6. Minimizing adverse impact: Police officer candidates are already required to undergo a medical review, complete the physical fitness screening elements, and meet other relevant pre-offer conditions. The amendments will merely add a requirement for a psychological review and standard minimum background investigation. Employers are already required to report to the Division the names of all police officers who cease to serve with the employer. The proposed regulations will ensure that employers comply with the reporting standards and notify the Division when a police officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. The amendments also redefine removal for cause.

7. Small business and local government participation: The amendments were discussed by the Municipal Police Training Council, which consists of members who are sheriffs, chiefs of police or commissioners of police, and the commissioner of New York City. The proposal does not apply to small businesses.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: The rule applies to every municipal police department in New York State. Many law enforcement agencies are located in rural areas.

2. Reporting, recordkeeping and other compliance requirements; and professional services: Part BBB of Chapter 59 of the Laws of 2021 establishes the "New York State Professional Policing Act of 2021" to hold police officers who engage in serious misconduct accountable and prevent bad actors from serving as police officers. These requirements will enhance public safety through the employment of the most effective, professional, and respectful police forces in the nation.

The amendments will create regulatory framework for hiring standards including psychological testing and enhanced minimum background investigations. The amendments will also redefine removal for cause and establish a process for the Division to correct any material inaccuracy reported by a law enforcement agency which affects the certification standing of an officer. Police officers who have been decertified may be ineligible for future certifications; thus, they may be prohibited from being a police officer in New York.

Professional printing and/or IT services may be needed to comply with the proposed rule.

3. Costs: The costs to the regulated parties, the agency, or state and local governments expected for the implementation of and continuing compliance with the rule are undetermined and may vary, and are contingent upon:

- Training on the new law, regulations, and requirements;
- Background investigations of police officer candidates, including, but not limited to, fingerprint-based criminal history searches, and polygraph examinations, unless prohibited by law. Many departments are currently conducting thorough checks;
- Psychological reviews of police officer candidates by a qualified psychiatrist or psychologist. Such psychological reviews are to be performed only after a conditional offer of employment has been given. Many departments are currently conducting such reviews;
- The use of existing resources;
- Police officer candidates are already required to undergo a medical review, complete the physical fitness screening elements, and meet other relevant pre-offer conditions;
- Employers are already required to report to the Division the names of all police officers who cease to serve with the employer. The proposed regulations will ensure that employers comply with the reporting standards and notify the Division when a police officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. The amendments also redefine removal for cause.

4. Minimizing adverse impact: Police officer candidates are already required to undergo a medical review, complete the physical fitness screening elements, and meet other relevant pre-offer conditions. The amendments will merely add a requirement for a psychological review and standard minimum background investigation. Employers are already required to report to the Division the names of all police officers who cease to serve with the employer. The proposed regulations will ensure that employers comply with the reporting standards and notify the Division when a police officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. The amendments also redefine removal for cause.

5. Rural area participation: The amendments were discussed by the Municipal Police Training Council, which consists of members who are sheriffs, chiefs of police or commissioners of police, and the commissioner of New York City.

Job Impact Statement

1. Nature of impact: Part BBB of Chapter 59 of the Laws of 2021 establishes the "New York State Professional Policing Act of 2021" to hold police officers who engage in serious misconduct accountable and prevent bad actors from serving as police officers. These requirements will enhance public safety through the employment of the most effective, professional, and respectful police forces in the nation.

The amendments will create regulatory framework for hiring standards including psychological testing and enhanced background investigations. The amendments will also redefine removal for cause and establish a process for the Division of Criminal Justice Services (Division) to correct any material inaccuracy reported by a law enforcement agency which affects the certification standing of an officer. Police officers who have been decertified may be ineligible for future certifications; thus, they may be prohibited from being employed as a police officer in New York.

2. Categories and numbers affected: The categories of jobs affected would be municipal police officers; however, it is difficult to estimate the number of jobs at issue.

3. Regions of adverse impact: The proposed rule applies equally throughout New York State. Prior to implementation of Chapter 59 of the laws of 2021, the New York City Police Department was exempt from the Municipal Police Training Council training requirements/certificate.

4. Minimizing adverse impact: When it shall appear to the Commissioner of the Division (or the Commissioner's designee) that there is a ma-

terial inaccuracy in an employer's reporting of the reason an officer ceased to serve, the commissioner shall attempt to resolve the perceived inaccuracy. If such attempt does not promptly resolve the discrepancy, the Commissioner shall issue a notice to the employer and the officer who is the subject of such notification of the Commissioner's intent to amend the inaccuracy of such record.

Within 15 days of the receipt of said notice, the employer or the officer may forward to the Commissioner a written request for a hearing to be held by the Municipal Police Training Council to consider the accuracy of the agency's reporting of the reason an officer ceased to serve.

Assessment of Public Comment

The 60-day public comment period commenced on October 20, 2021. The comment(s) received are still under review and consideration. Once complete, the Division of Criminal Justice Services will provide a summary of comments and any revisions made as a result of those comments; and whether the rule will be adopted on a permanent basis (minor changes) or if there are significant changes warranting another public comment period.

Department of Environmental Conservation

NOTICE OF ADOPTION

Sanitary Condition of Shellfish Lands

I.D. No. ENV-49-21-00008-A

Filing No. 238

Filing Date: 2022-03-25

Effective Date: 2022-04-13

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

Action taken: Amendment of Part 41 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 11-0303, 13-0307 and 13-0319

Subject: Sanitary Condition of Shellfish Lands.

Purpose: To reclassify underwater shellfish lands to protect public health.

Text or summary was published in the December 8, 2021 issue of the Register, I.D. No. ENV-49-21-00008-EP.

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

Text of rule and any required statements and analyses may be obtained from: Zachary Schuller, Department of Environmental Conservation, 123 Kings Park Blvd. (Nissequogue River State Park), Kings Park, NY 11754, (631) 380-3314, email: zachary.schuller@dec.ny.gov

Additional matter required by statute: Pursuant to Article 8 of the ECL, the State Environmental Quality Review Act, a Coastal Assessment Form and a Short Environmental Assessment Form with a negative declaration have been prepared, and are on file with the Department.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2025, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

Department of Financial Services

EMERGENCY RULE MAKING

Indices Which May be Used for Variable Rate Loans Subject to the Requirements of Parts 33, 80, 90, 91 and 97 of Title 3 NYCRR

I.D. No. DFS-15-22-00001-E

Filing No. 239

Filing Date: 2022-03-28

Effective Date: 2022-03-28

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

Action taken: Amendment of Parts 333 and 334 of Title 3 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Banking Law, sections 10, 14, 108.4, 108.5, 202, 235.8-b, 351.2, 590-a.3; Personal Property Law, sections 303, 404 and 413

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

Specific reasons underlying the finding of necessity: Pursuant to the Banking Law and Personal Property Law, the Department of Financial Services is required to approve indices that can be used as benchmarks to set interest rates for certain variable interest rate loans. The approved indices are specified in Parts 333 and 334 of Title 3 of the NYCRR. The London Inter-Bank Offered Rate ("LIBOR") is a major benchmark index commonly used by the industry and both Parts 333 and 334 have listed one month, three-month, six-month, and one year LIBOR as approved benchmark rates.

After several articles were published speculating that LIBOR was being manipulated by the banks that calculated the rate, a number of civil and criminal investigations were opened into the potential manipulation. The investigations confirmed the manipulation and substantial penalties were imposed on the banks that participated in this scheme.

With the revelation of the rate manipulations, LIBOR was deemed to be an unreliable benchmark and a decision was made to phase out LIBOR entirely. One week and two-month dollar denominated LIBOR rates expired at the end of 2021. All other dollar denominated LIBOR rates are set to expire in June 2023.

Further, the Federal Reserve Board of Governors, Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency jointly stated that, given the risks of using an index that has, or will be discontinued, the agencies "believe entering into new contracts that use USD LIBOR as a reference rate after December 31, 2021, would create safety and soundness risks and will examine bank practices accordingly." Accordingly, any institution that is jointly regulated by the Department and a federal agency that adopts the position outlined in the joint statement should already be using a new benchmark as of January 1, 2022, or risk being found to be operating in an unsafe and unsound manner.

The emergency adoption of this regulation is necessary to authorize the use of other benchmark indices and to enable institutions to use the Secured Overnight Financing Rate as a replacement benchmark rate.

Subject: Indices which may be used for variable rate loans subject to the requirements of Parts 33, 80, 90, 91 and 97 of Title 3 NYCRR.

Purpose: To permit the use of Secured Overnight Financing Rate as a replacement benchmark for London Inter-Bank Offered Rate.

Text of emergency rule: Section 333.1 is amended to add a new subdivision (i) to read as follows:

(i) the indices for one-month, three-month, and six month Secured Overnight Financing Rate (SOFR) as published by the Federal Reserve Bank of New York.

Section 334.1 is amended to read as follows:

The following indices are approved by the superintendent for use in connection with variable rate junior mortgage loans made pursuant to Part 80 of this Title by licensees as defined thereunder, in connection with variable rate retail instalment credit agreements established pursuant to Part 91 of this Title by retail sellers or creditors as defined thereunder, and in connection with variable rate closed-end retail instalment contracts and obligations entered into pursuant to Part 92 of this Title by retail sellers or holders as defined thereunder:

(a) the bank prime loan index;

(b) the indices for one-month, three-month or six-month certificates of deposit sold in the secondary market;

(c) the indices for the auction averages from the sale of United States three-month, six-month or one-year Treasury bills;

(d) the indices for three-month, six-month or one-year Treasury bills sold in the secondary market;

(e) the indices for the one-year, two-year, three-year, five-year, seven-year, ten-year, twenty-year or thirty-year constant maturity yield for United States Treasury securities; [and]

(f) the prime rate as published in The Wall Street Journal[.];

(g) the indices for one-month, three-month, six-month and one year London Interbank Offered Rate (LIBOR) as published in The Wall Street Journal[.]; and

(h) the indices for one-month, three-month, and six month Secured Overnight Financing Rate (SOFR) as published by the Federal Reserve Bank of New York.

All the indices listed above, except (f), [and] (g) and (h) are published and announced by the Board of Governors of the Federal Reserve System in such publications as The Federal Reserve Bulletin, H.15, G.13, etc. With respect to any indices listed under subdivisions (a) through (e) of this section which provide daily rates and also weekly and monthly averages of such daily rates, this Part allows use of either the daily rate or the weekly or monthly average rate for such index. In the event of split rate figures for the prime rate as published under subdivision (f) of this section, the licensee, retail seller or creditor, or retail seller or holder shall use the low figure except where use of the high figure or an average of the two figures is provided by contract and disclosed to the borrower or buyer. Except as provided above, averaging of index figures is prohibited.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire June 25, 2022.

Text of rule and any required statements and analyses may be obtained from: George Bogdan, Department of Financial Services, One State Street, New York, NY 10004-1417, (212) 480-4758, email: george.bogdan@dfs.ny.gov

Regulatory Impact Statement

1. Statutory Authority: Financial Services Law Sections 202 and 302; Banking Law Sections 10, 14, 108.4, 108.5, 202, 235.8-b, 351.2, and 590-a.3; and Personal Property Law Sections 303, 404, and 413.

Financial Services Law ("FSL") Section 202 establishes the office of the Superintendent of Financial Services ("Superintendent") and provides the Superintendent with broad rights, powers, duties and discretion with respect to matters under the Financial Services Law, the Banking Law, and the Insurance Law. FSL Section 302 sets forth the power of the Superintendent to prescribe, withdraw or amend rules and regulations involving financial products and services, including in effectuating and interpreting the provisions of the Financial Services Law, the Banking Law ("BL"), and the Insurance Law, and in governing the procedures to be followed in the practice of the Department.

BL Section 10 sets forth a declaration of policy, including that banking institutions will be regulated in a manner to insure safe and sound conduct and maintain public confidence. BL Section 14 references, without limitation, the policy of BL Section 10 and sets forth certain powers of the Superintendent under the BL, including the power to "make, alter and amend orders, rules and regulations not inconsistent with law".

Numerous statutory provisions in the BL and the Personal Property Law govern variable interest rate loans. Pursuant to Sections 14.1, 108.4, 108.5, 202, 235.8-b, 351.2, and 590-a.3 of the BL, and Sections 303.4, 404.4, and 413.3 of the Personal Property Law, certain types of variable interest rate loans may only be made in accordance with benchmark indices approved by the Department of Financial Services ("Department").

The Department has promulgated numerous rules to regulate specific types of variable rate lending. 3 NYCRR 33 governs variable rate closed-end personal loans. 3 NYCRR 80 governs variable rate junior mortgage loans. 3 NYCRR 90 governs variable rate open-end accounts established by banking institutions. 3 NYCRR 91 governs variable rate installment agreements. 3 NYCRR 92 covers variable rate closed-end retail installment contracts and obligations. This entire series of regulations requires use of benchmark indices to do interest rate calculations. The Department lists these approved benchmarks in Parts 333 and 334 of Title 3 of the NYCRR.

2. Legislative Objectives: By requiring the Department to approve benchmark indices that may be used to set rates for certain variable interest rate loans, the Legislature intended to protect consumers against potential abuse by ensuring that only rates that are not subject to manipulation are used. This is evident, for example, in the language of Section 590-a(3) of the Banking Law, which specifies that approved indices must be "(a) readily available, (b) independently verifiable, (c) beyond the control of the licensee, and (d) approved by the superintendent."

Parts 333 and 334 must be amended to serve this legislative objective.

The London Inter-Bank Offered Rate ("LIBOR") is a major benchmark index commonly used by the industry and both Parts 333 and 334 have listed one month, three-month, six-month and one year LIBOR as approved benchmark rates. Unfortunately, multiple civil and criminal investigations in recent years have shown that the LIBOR index was being manipulated by the banks that calculated the rate.

With the revelation of the rate manipulations, LIBOR was deemed to be an unreliable benchmark and a decision was made to phase out LIBOR entirely. One week and two-month dollar denominated LIBOR rates expired at the end of 2021. All other dollar denominated LIBOR rates are set to expire in June 2023.

Accordingly, the Department is amending Parts 333 and 334 to make the Secured Overnight Financing Rate ("SOFR") available as an alternative benchmark for pricing variable rate loans.

3. Needs and Benefits: The Department regulates more than 250 state-chartered banks and licensed foreign bank branches and agencies in New York, and a variety of other entities engaged in delivering financial services to the residents of New York State. Any of these institutions that offer certain variable interest rate products need to set the rate in accordance with indices approved by the Department. Historically, LIBOR was a common index widely used to set variable interest rates. With LIBOR set to expire completely by 2023, the Department needs to approve a new index that can be used to set rates. The need to approve new benchmark indices is important now as several federal regulators, some of which the Department shares oversight of its regulated institutions, announced that they consider it an unsafe and unsound practice to set rates using LIBOR after December 31, 2021. Approving the SOFR benchmark, the same rate that federal regulators have approved, will allow the Department's regulated institutions to continue to make variable rate loans without engaging in practices that the federal regulators have deemed to be an unsafe or unsound.

4. Costs: The new regulation does not increase the costs imposed on regulated industries or anyone else.

5. Local Government Mandates: The amendments do not impose any mandates on local governments.

6. Paperwork: The proposed amendments do not create any new reporting, recordkeeping or other compliance requirements for any regulated business whether it is large or small.

7. Duplication: The regulation does not duplicate, overlap or conflict with any other regulations.

8. Alternatives: The purpose of the amendment is to add an additional approved index to Parts 333 and 334 to facilitate the transition away from LIBOR. There is no rational alternative but to amend the regulations that already specify the benchmarks approved by the Department.

9. Federal Standards: Federal law does not govern the rates used for these variable loans in a strict sense. Nonetheless, many companies regulated by the Department are also subject to federal regulations and supervision. Accordingly, the Department believes it is best if its regulations are harmonious with federal regulations and policy standards.

The Consumer Finance Protection Bureau ("CFPB") has amended its Regulation Z to facilitate the transition away from LIBOR. CFPB will allow its regulated institutions to use SOFR benchmarks. Amendments to Regulation Z concerning LIBOR and SFOR will be phased in over a 2 year period. See https://files.consumerfinance.gov/f/documents/cfpb_facilitating-libor-transition_final-rule_2021-12.pdf.

Further, the Federal Reserve Board of Governors, Federal Deposit Insurance Corporation and the Office of the Comptroller of the Currency have jointly stated that, given the risks of using an index that will be discontinued, the agencies "believe entering into new contracts that use USD LIBOR as a reference rate after December 31, 2021, would create safety and soundness risks and will examine bank practices accordingly." See <https://www.federalreserve.gov/newsevents/pressreleases/files/bcreg2021130a1.pdf>. Accordingly, any institution that is jointly regulated by the Department and a federal agency that adopts the position outlined in the joint statement should already be using a new benchmark as of January 1, 2022 or risk being found to be operating in an unsafe and unsound manner.

10. Compliance Schedule: The emergency regulations are effective immediately.

Regulatory Flexibility Analysis

The purpose of the proposed amendments is to add an additional index that regulated entities may use to make certain variable interest rate loans. This additional index is necessary because the London Inter-Bank Offered Rate ("LIBOR") index will become obsolete in the near future. The amendments impose no reporting, recordkeeping, or other compliance requirements on public or private entities. Therefore, the amendments will not impose any adverse impacts on local government or small businesses.

Rural Area Flexibility Analysis

The purpose of the proposed amendments is to add an additional index that regulated entities may use to make certain variable interest rate loans.

This additional index is necessary because the London Inter-Bank Offered Rate ("LIBOR") index will become obsolete in the near future. Therefore, the amendments will not impose any adverse impacts on rural areas or any new or heightened reporting, recordkeeping, or other compliance requirements on public or private entities in rural areas. The proposed amendments do not distinguish between regulated parties located in rural, suburban, or metropolitan areas of New York State, but apply universally throughout the state.

Job Impact Statement

This amendment should not adversely impact jobs or employment opportunities in New York State. The purpose of the amendments is to add an additional index that regulated entities may use to make certain variable interest rate loans. This additional index is necessary because the London Inter-Bank Offered Rate ("LIBOR") index will become obsolete in the near future.

New York State Gaming Commission

NOTICE OF ADOPTION

Regulation of Charitable Gaming Internet Raffles

I.D. No. SGC-02-22-00003-A

Filing No. 244

Filing Date: 2022-03-29

Effective Date: 2022-04-13

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

Action taken: Amendment of sections 4620.22 and 5402.1 of Title 9 NYCRR.

Statutory authority: General Municipal Law, sections 188-a(1), 189(16); Racing, Pari-Mutuel Wagering and Breeding Law, section 104(19)

Subject: Regulation of charitable gaming internet raffles.

Purpose: To implement internet raffles regulation as directed by statute.

Text of final rule: Subdivision (b) of section 4620.22 and subdivision (b) of section 5402.1 of 9 NYCRR are amended to read as follows:

* * *

(7) Internet and mobile device sales.

(i) No entity, other than an authorized organization to which the commission has issued a games of chance identification number and a raffle license, if applicable pursuant to General Municipal Law section 190-a(1), is permitted to sell raffle tickets through the internet or a mobile device.

(ii) No sale of a raffle ticket through an internet or a mobile device platform may occur unless the server or other electronic equipment that initiates the offering of a raffle ticket for sale and accepts a request to purchase such ticket is located in a municipality in this State in which the sale of such tickets is authorized as set forth in General Municipal Law section 189(13) and the purchaser of such ticket is located, at the moment of purchase, in this State. Locations shall be determined by the physical location of each of the purchaser and the server or other electronic equipment of the seller and not the purchaser or seller's usual address. An authorized organization's internet or mobile device raffle sale platform shall block any attempts to purchase a raffle ticket from a location outside of this State.

(iii) No sale of a raffle ticket through an internet or a mobile device platform may occur unless the purchaser of such ticket has first established a raffle ticket account with the authorized organization conducting such raffle. Such account shall include, for each purchaser:

- (a) the purchaser's legal name;
- (b) the purchaser's date of birth;
- (c) an account number unique to such purchaser;
- (d) the purchaser's address;
- (e) the purchaser's electronic mail address; and
- (f) the purchaser's telephone number.

(iv) No sale of a raffle ticket may be made to any person on the commission's self-exclusion list maintained pursuant to section 5403.2 of this article.

(v) No authorized organization shall outsource or otherwise delegate to another entity or person, including, without limitation, a third-party fundraising entity, the conduct of a raffle through the internet or mobile device.

(vi) Each authorized organization that proposes to sell a raffle ticket for a specifically identified raffle through an internet or a mobile device platform shall seek commission approval to conduct such raffle. To obtain such approval, an authorized organization shall, not less than 60 days before offering any tickets for sale on such platform:

(a) demonstrate to the satisfaction of the commission that the server or other electronic equipment that initiates the offering of a raffle ticket for sale and accepts requests to purchase such tickets is located in a municipality in this State in which the sale of such tickets is authorized as set forth in General Municipal Law section 189(13);

(b) demonstrate to the satisfaction of the commission, which may be done by providing evidence of competent native or third-party geolocation procedures, that such organization has geolocation technology in place to ensure that each purchaser of a ticket is located within this State;

(c) submit procedures to prevent minors from purchasing a raffle ticket through the authorized organization's internet or mobile application platform. An authorized organization shall implement any changes to such procedures as the commission may direct at any time. Such plan, at a minimum, shall include the following components:

(1) specification of parental control procedures to allow parents and guardians to exclude persons under the age of 18 from entering a raffle through the authorized organization's internet or mobile device platform. The authorized organization shall display conspicuously the specific steps a parent or guardian may take to implement parental controls;

(2) detailed explanation of the steps taken to prevent persons under the age of 18 from purchasing a raffle ticket through the authorized organization's internet or mobile device platform. The authorized organization shall explain what types of native or third-party age verification procedures are implemented to verify that each person entering a raffle with such authorized organization's internet platform or mobile application is not under the age of 18. The authorized organization shall explain the mechanism or mechanisms used to identify and deactivate accounts or purchases created or used by minors; and age verification and identification procedures to exclude persons under the age of 18 from creating an account or purchasing a raffle ticket on the authorized organization's internet platform or mobile application;

(3) procedures used to identify and deactivate accounts created or used by persons under the age of 18 and to exclude such persons from all raffles offered through such authorized organization's internet and mobile device platforms; and

(4) procedures to ensure that persons under the age of 18 do not receive promotional materials that relate to raffles held on authorized organization's internet and mobile device platforms;

(d) submit procedures to protect the privacy of ticket purchasers on such internet or mobile device platforms; and

(e) submit procedures to protect the security of personal information of ticket purchasers on such internet or mobile device platforms from unauthorized disclosure;

(f) submit procedures to ensure that no person on the commission's self-exclusion list maintained pursuant to section 5403.2 of this article may purchase a raffle ticket through the authorized organization's internet or mobile application platform.

(vii) Each authorized organization that the commission authorizes to sell raffle tickets for a specifically identified raffle through an internet or a mobile device platform shall have an ongoing duty to inform the commission of any material change to any of the procedures submitted pursuant to subparagraph (vi) of this paragraph or any material change in the anticipated performance of geolocation technology as described to the commission.

(viii) The commission may, in its discretion, revoke any approval given pursuant to this paragraph to conduct a raffle through an internet or mobile device platform if the commission has cause to believe that the conditions required by General Municipal Law section 189(16) will not be or are not being satisfied or are at significant risk of not being satisfied.

(ix) The commission may, in its discretion, declare an authorized organization ineligible to conduct raffle ticket sales through an internet or mobile device platform for a period of time, or for an indefinite time, if such authorized organization fails to comply with this paragraph or the conditions required by General Municipal Law section 189(16).

(8) Any supplier of software, platforms or electronic equipment designed to enable an authorized organization to conduct an internet or

mobile raffle pursuant to paragraph (7) of this subdivision shall apply for a license as a games of chance supplier pursuant to General Municipal Law section 189-a and Part 4623 of this subchapter.

[(7)] (9) No ticket shall be sold in conjunction with any raffle, including raffles in which winning tickets are scheduled to be drawn on multiple dates, more than 180 days prior to the date scheduled for the drawing of the last ticket in that raffle.

[(8)] (10) All raffle tickets, with the exception of the two-part "admission-style" tickets used in the game commonly known as a "50/50 raffle," shall be sold at a uniform price per ticket, unless the discount offered is based on the selling price per book of tickets and the price per single ticket and the discounted price per book of tickets are printed on each ticket.

[(9)] (11) The value of merchandise to be awarded as a raffle prize shall be the fair market value of the merchandise at the time of submission of an application or verified statement for a raffle license.

* * *

§ 5402.1. Definitions.

For purposes of this Part:

* * *

(b) gaming operator means any licensee or operator authorized to conduct or operate gaming or other activity pursuant to articles 2, 3, 4, 5, 6, 9, 10, 13 or 14 of the Racing, Pari-Mutuel Wagering and Breeding Law; [or] video lottery gaming pursuant to Tax Law section 1617-a; or raffles pursuant to General Municipal Law section 189(16).

Final rule as compared with last published rule: Nonsubstantial changes were made in section 4620.22(b)(7).

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

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

The proposed change does not require revisions to the Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, or Job Impact Statement. A non-substantive change was made to correct a typographical error. The word "or" was changed to "of" in one instance in proposed Rule 4620.22(b)(7)(iii).

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 2027, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

Public comments were received from two entities. Both expressed a preference for hosting websites in a cloud-based platform, while proposed Rule 4620.22(b)(7)(ii) would require a server to be located in a municipality in New York in which the sale of raffle tickets is authorized, as set forth in General Municipal Law section 189(13). One commentator asserts that having the server located locally would not make the platform more secure, because platform providers would not readily be available to control access or provide support and maintenance, and that requiring the server to be based in the municipality in which the sale is located is more restrictive than mobile sports wagering regulations.

The commentators, in seeking authorization to use cloud-based servers rather than servers located where authorized organizations reside, make a policy argument that is inconsistent with the New York statutes. General Municipal Law section 189(16) incorporates the general raffle location requirements of section 189(13), requiring, in the context of an Internet or mobile application platform, that a raffle wager be "received or otherwise made" in local locations. The cybersphere "cloud" would not satisfy those statutory requirements. Rule 4620.22(b)(7)(ii) applies to "the server or other electronic equipment" (emphasis added). If there are technological solutions that would enable locally sited equipment to accept an internet or mobile application raffle wager, then an authorized organization can explain such as the organization demonstrates compliance with Rule 4620.22(b)(7)(vi)(a) when the organization seeks Commission approval to conduct the raffle pursuant to proposed Rule 4620.22(b)(7)(vi). There is no restriction in the Rule that would prevent off-site backup of data. The statute authorizing mobile sports wagering differs from the statute that authorizes these raffles, so the comparison is unfounded.

With respect to Rule 4620.22(b)(7)(iii), which requires the purchaser of a raffle ticket through an Internet or mobile platform to first establish a raffle ticket account, one commentator states that the creation of an account would be a burden to players and negatively impact participation.

The requirement to establish a player account is consistent with the regulation of the other types of Internet-based wagering in New York,

namely, wagering on horse racing, mobile sports wagering and Lottery subscriptions. It is also consistent with requirements for interactive fantasy sports contests. Account establishment allows for effective regulation of other important policy objectives, such as responsible gaming and the prevention of gambling by minors. Offering Internet raffles is optional. No organization that might feel burdened by regulatory requirements of this novel platform would be obligated to participate and could instead continue to sell raffle tickets as it currently does.

With respect to proposed Rules 4620.22(b)(7)(iv), (vi)(c) and (vi)(f), which prohibit the sale of a raffle ticket to a person on the Commission's self-exclusion list and require procedures to prevent such purchases, one commentator suggests a "self-reporting verification step" and states that requiring an organization to "double check a self-reporting verification is not plausible." Another commentator asks whether collection of birth dates would suffice.

Staff believes that "self-verification" of self-exclusion status would be ineffective to prevent play of self-excluded persons. Mobile sports wagering operators are required to implement self-exclusion procedures, so the implementation process is achievable. Commission staff would assist in the implementation of a self-exclusion program.

With respect to Rule 4620.22(b)(7)(vi)(c), one commentator suggests that self-reporting of age would sufficiently protect a participant and that compliance and implementation costs of the proposed Rule would diminish charitable gaming revenue.

Staff believes that self-reporting of age would be ineffective to prevent underage play. It would be the responsibility of an authorized organization, pursuant to Rule 4620.22(b)(7)(vi)(c)(2), to demonstrate how it would prevent underage play. Age-verification functionality is commercially available for Internet gaming. No organization that might feel burdened by regulatory requirements of this novel platform would be obligated to participate and could instead continue to sell raffle tickets as it currently does.

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Consider Staff Proposal on Definitions and Procedures for Customers to Receive Credits and Reimbursements

I.D. No. PSC-15-22-00002-P

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

Proposed Action: The Commission is considering a Staff Proposal to implement Public Service Law section 73, including defining widespread prolonged outage, small business customer and proof of loss.

Staff authority: Public Service Law, sections 66 and 73

Subject: Consider Staff Proposal on definitions and procedures for customers to receive credits and reimbursements.

Purpose: To ensure customers receive credits and reimbursements paid by the utility for service outages.

Substance of proposed rule: The Commission is considering a Staff Proposal to implement Public Service Law Section (PSL) 73. On December 22, 2021, Chapter 786 (Part B) of the Laws of 2021 was signed into law, thereby amending the PSL by adding PSL § 73, effective April 21, 2022. The new PSL § 73 requires that the Commission promulgate procedures, standards, methodologies and rules, including defining the terms: widespread prolonged outage, small business customer and proof of loss.

Department of Public Service Staff issued a proposal (Staff Proposal) in this proceeding regarding implementation of PSL § 73. The Staff Proposal defines widespread prolonged outage, small business customer and proof of loss, and sets forth procedures and rules to be followed as mandated by PSL § 73.

As background, PSL § 73 requires each "utility company" (Utility) to compensate customers who have experienced widespread prolonged outages. Specifically, PSL § 73 requires each Utility to provide residential customers: 1) with a credit of \$25 on the balance of their bill for each 24 hour period of service outage that occurs for more than 72 consecutive hours after an emergency event; 2) with a reimbursement up to \$235 if the residential customer provides an itemized list, or up to \$540 if the customer provides proof of loss, for any food that expires or spoils due to a service outage that lasts longer than 72 consecutive hours after an emergency

event; and, 3) reimbursement for prescription medications that have spoiled up to the amount of the actual loss, verified by itemized list or proof of loss. Small business customers shall be reimbursed by gas a Utility for food spoilage up to \$235 if such customers provide an itemized list, or up to \$540 if they provide documentation of losses. Both residential and small-business customers are to provide the Utility with itemized lists or proof of loss within fourteen days of the outage and the utilities are to provide reimbursement within thirty days of receipt, or within a time-period determined by the Commission if the Utility seeks a waiver of the of credit or reimbursement. Any costs incurred by the Utility shall not be recoverable from ratepayers.

Additionally, according to PS § 73, a Utility may petition the Commission for a waiver of the credits/ reimbursement requirements within 14 days after the occurrence of the emergency event. The Utility must demonstrate granting of the waiver is fair, reasonable and in the public interest. When determining whether to grant such waiver, the Commission shall consider factors such as whether the Utility complied with its submitted emergency response plan or contributed to prolonging the widespread outage, as well as the hardships endured by the customers due to the prolonged service outage, the balancing of equities, or any other criteria the Commission deems in the public interest. PS § 73 provides that the Commission will issue a final decision regarding the grant of the requested waiver no later than 45 days after submission of the Utility waiver petition.

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

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

Data, views or arguments may be submitted to: Michelle L. Phillips, 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.

(22-M-0159SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Petition to Submeter Electricity

I.D. No. PSC-15-22-00003-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 petition filed by Prospect Seeley Housing Corp. to submeter electricity at 250 Seeley Street, and 147-149 Prospect Park South West, Brooklyn, New York.

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

Subject: Petition to submeter electricity.

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

Substance of proposed rule: The Public Service Commission (Commission) is considering the petition of Prospect Seeley Housing Corp. filed on December 17, 2021, seeking authority to submeter electricity at an existing rent stabilized cooperative building, located at 250 Seeley Street and 147-149 Prospect Park South West, Brooklyn, New York 11218, in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

In its petition, the Prospect Seeley Housing Corp. requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Once approved by the Commission, submetering of electricity to residents 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 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: Michelle L. Phillips, 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.

(21-E-0631SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity

I.D. No. PSC-15-22-00004-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 the notice of intent of Sutton 58 Holding Company, LLC to submeter electricity at 430 East 58th 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, consumer protections and energy efficiency protections are in place.

Substance of proposed rule: The Commission is considering the notice of intent filed by Sutton 58 Holding Company, LLC on March 17, 2022, seeking authority to submeter electricity a new market-rate, condominium building at 430 East 58th Street New York, New York, located in the service territory of Consolidated Edison Company of New York Inc. (Con Edison).

In the notice of intent, Sutton 58 Holding Company, LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants 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: Michelle L. Phillips, 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.

(22-E-0154SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Transfer of Street Lighting Facilities

I.D. No. PSC-15-22-00005-P

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

Proposed Action: The Commission is considering a petition filed by Orange and Rockland Utilities, Inc. to transfer certain street lighting facilities located within the Town of Wallkill, Ulster County, New York to the Town of Wallkill.

Statutory authority: Public Service Law, section 70(1)

Subject: Transfer of street lighting facilities.

Purpose: To consider the transfer of street lighting facilities to the Town of Wallkill.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on March 9, 2022, by Orange and Rockland Utilities, Inc. (Orange and Rockland or the Company), requesting authorization to transfer ownership of certain street lighting facilities installed throughout the Town of Wallkill, Ulster County, New York (Town) to the Town.

The street lighting facilities consist of a system of luminaires, lamps, mast arms, their associated wiring, electrical connections and appurtenances, including In-Line Fused Disconnects. The Company requests the Commission's approval of the transaction pursuant to Public Service Law § 70(1), as the original cost of the proposed assets to be transferred is greater than \$100,000.

Based on plant records, the Company represents that the original cost of the facilities was approximately \$365,226 and the net book value was approximately \$216,851 as of November 2021. The Company proposes to transfer the street lighting facilities to the Town for approximately \$395,382. Upon the closing date of the sale, the Town shall have sole responsibility for the installation, removal, operation, maintenance and condition of the street lighting facilities, with the exception of stray voltage testing that the Company will continue. The transfer will not impact the reliability, safety, operation, or maintenance of Orange and Rockland's electric distribution system.

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: Michelle L. Phillips, 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.

(22-E-0136SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Technical Amendments of State Regulations and Administrative Corrections

I.D. No. PSC-15-22-00006-P

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

Proposed Action: Amendment of Parts 10 and 255 of Title 16 NYCRR. This rule is proposed pursuant to SAPA section 207(3), 5-Year Review of Existing Rules.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Technical amendments of state regulations and administrative corrections.

Purpose: To make the provisions of natural gas service safer in New York State.

Substance of proposed rule (Full text is posted at the following State website: <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=20-G-0560&CaseSearch=Search>): The Public Service Commission is considering revisions to certain sections of 16 NYCRR Part 10 that will (1) update referenced material related to pipeline safety regulations, (2) update referenced material related to pipeline standards; and Part 255 that will (1) add definitions for "Ac-

cidents," "Calendar Year," "Engineering Critical Assessment," and "Moderate Consequence Area;" (2) relocate sections on Notifications and reports, and Notification requirements into a new section; (3) revise sections related to Class locations, Gathering lines, Quality assurance programs, External corrosion control: Monitoring, Remedial measures: General, Records, Operator qualification, Emergency plans, Customer education and information program, Maximum allowable operating pressure: Steel or plastic pipelines, Pressure limiting and regulating stations: Testing relief devices, Leaks: Instrument sensitivity verification, Changes to an integrity management program, Conducting a baseline assessment, Addressing integrity issues, Preventive and mitigative measures to protect the high consequence areas, Continual process of evaluation and assessment, Reassessment intervals, Low stress reassessment, (4) add a section on Records: Material properties, Records: Pipe design, Records: Pipeline components, Qualifications for welders, Plastic pipe: qualifying persons to make joints, In-line inspection of pipelines, Verification of pipeline materials and attributes: Onshore steel transmission pipelines, Maximum allowable operating pressure reconfirmation: Onshore steel transmission pipelines, Analysis of predicted failure pressure, and Launcher and receiver safety.

The full text of the revisions 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.state.ny.us/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: Michelle L. Phillips, 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.

Reasoned Justification for Modification of the Rule

The Public Service Commission (Commission), as a federally certified state pipeline safety program administrator, is required to ensure that its regulations are consistent with federal pipeline regulations. The changes proposed would update reference material, add new additions, reorganizes sections and revises other sections; and are intended to reflect recent amendments to federal regulations and are necessary to ensure that the Commission fulfills its obligations a state pipeline safety program administrator.

Regulatory Impact Statement

Statutory Authority:

Public Service Law (PSL) §§ 65 and 66 assign to the Public Service Commission (PSC, Commission) jurisdiction, supervision, powers, and duties over all gas corporations in the State and the conveying, transportation, and distribution of gas, which includes "all powers necessary or proper," to ensure that gas service is "safe and adequate and in all respects just and reasonable." The PSC has general supervision of all gas corporations (commonly referred to as local distribution companies, or LDCs) operating throughout the State and of all property owned, leased or operated by a gas company in connection with or to facilitate the conveying, transportation, distribution, or furnishing of gas for light, heat or power. See PSL §§ 4(1), 5(1)(b), 65(1) and 66(1). Pursuant to its statutory mandate to ensure safe and adequate gas service, in 1968 the Commission adopted gas safety regulations, found primarily in 16 NYCRR Part 255 (Part 255), which have been amended from time to time to further ensure the safety of New York's gas delivery system.

In 1994, the federal Natural Gas Pipeline Safety Act (the Act), 49 USC § 60101 et. seq., included intrastate gas pipelines within federal jurisdiction for safety purposes. The United States Department of Transportation (USDOT) adopted regulations that apply federal safety standards for gas "pipeline facilities," defined as "new and existing pipelines, rights-of-way, and any equipment, facility, or building used in the transportation of gas or in the treatment of gas during the course of transportation." 49 CFR § 192.3. USDOT also established minimum safety standards that apply to "owners and operators of pipeline facilities" [49 USC § 60102(a)(2)(A)]. 49 USC § 60102 (a)(2)(C), 49 CFR §§ 192.801-192.809. The USDOT's Pipeline and Hazardous Materials Safety Administration (PHMSA), acting through its Office of Pipeline Safety, administers and enforces the federal safety standards.

A State may, however, pursuant to 49 USC § 60105, assume oversight and enforcement authority over intrastate gas pipeline facilities if the State submits a certification to USDOT/PHMSA that the State has adopted each applicable federal standard. 49 USC § 60105(a). A State that has submitted a current certification under § 60105(a) may adopt additional or more

stringent safety standards for intrastate pipeline facilities only if the standards are compatible with the minimum federal standards. 49 USC § 60104(c).

The Commission implements the gas safety program in New York State through 16 NYCRR Part 10 and Part 255. The Department of Public Service (DPS, Department) makes annual certifications to USDOT/PHMSA that the State has asserted appropriate regulatory jurisdiction and has adopted and is enforcing the applicable federal standards. Therefore, the Commission proposes this rule in furtherance of its gas service oversight responsibilities under the PSL and to amend portions of its gas safety regulations in conformance with federal standards.

Legislative Objectives:

The objective of both the State and federal statutes is to ensure the safe and adequate supply and delivery of natural gas. The proposed amendments to 16 NYCRR Part 10 and Part 255 meet these objectives because the amendments align state rules with already approved and effective federal safety standards.

Needs and Benefits:

The proposed regulatory changes are necessary to align the Commission's gas safety regulations with the federal regulations to ensure that the Commission may continue to make its annual § 60105 certification to USDOT and remain eligible for federal funding to implement New York's gas safety program. Pursuant to 49 USC § 60107, the PSC receives federal funding, which pays for up to 80 percent of the Department's costs for carrying out its certified pipeline safety program.

Costs:

Costs to Private Regulated Parties:

Any increase in cost associated with the new proposed amendments would be recovered by LDCs through rate proceedings.

Costs to Local Government:

There are no anticipated added costs to local governments.

Costs to the Public Service Commission or the Department of Public Service:

There are no anticipated added costs to local governments.

Costs to Other State Agencies:

There are no known or identifiable costs to other State agencies or offices of State government.

Local Government Mandates:

None.

Paperwork:

None.

Duplication:

The purpose of the new regulations is to align them with federal gas safety regulations. There are no relevant State regulations that duplicate, overlap, or conflict with the proposed revisions.

Alternatives:

There is a "no action alternative," but such an alternative is not preferable as it would result in the DPS being out of compliance with federal standards.

Federal Standards:

The proposed revisions are intended to implement regulations that are at least as stringent as similar standards of the Federal government, 49 CFR Part 192.

Compliance Schedule:

The proposed revisions would be effective upon publication of a Notice of Adoption filed in the New York State Register.

Regulatory Flexibility Analysis

1. Effect of rule: The proposed rule aligns New York State gas safety regulations with recently enacted Pipeline and Hazardous Materials Administration (PHMSA) regulation changes and makes clarifications to avoid industry confusion.

2. Compliance requirements: There are no additional burdens on industry to increase reporting requirements resulting from the proposed rule.

3. Professional services: There are no professional services that a small business or local government is likely to need to comply with this rule.

4. Compliance costs: Costs to industry, local municipal gas companies and unions are not expected. Gas companies will recover any increase in cost associated with the new proposed amendments through rate proceedings.

5. Economic and technological feasibility: The proposed rule does not require any specialized technology for compliance.

6. Minimizing adverse impact: No known adverse impacts exist.

7. Small business and local government participation: Small businesses and local governments are not affected by the rule changes.

8. Cure Period: No cure period is included in the proposed rule. Gas Safety and Reliability Section Staff at the Department of Public Service typically offers utilities a thirty (30) day cure period to correct deficiencies in biannual audit findings prior to recommending the pursuit of any enforcement.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: This rule applies to the entire State and impacts all rural areas of the State.

2. Reporting, recordkeeping and other compliance requirements; and professional services: The rules apply only to gas operators and will have no reporting, recordkeeping and other compliance requirements specific to rural areas.

3. Costs: The rules apply only to gas operators and will create no added costs specific to rural areas.

4. Minimizing adverse impact: No adverse impacts exist relative to the current amendments.

5. Rural area participation: Gas companies that operate in rural areas have participated in the stakeholder process.

6. Furthermore, the PSC will be accepting public comments to the Notice of Proposed Rulemaking and will be summarizing and responding to the comments that are received.

Job Impact Statement

The Department of Public Service projects that there will be no adverse impact on jobs or employment opportunities in the State of New York (State) because of this proposed rule change. This proposed rule change is intended to bring Title 16 NYCRR Part 10, Referenced Material (Part 10) and Part 255, Transmission and Distribution of Gas (Part 255), into conformance with recent amendments to 49 CFR Part 192.

No further steps were needed to ascertain these facts, and none were taken. As apparent from the nature and purpose of this proposed rule change, a full Job Impact Statement is not required and therefore one has not been prepared.

(20-G-0560SP2)

Office of Temporary and Disability Assistance

NOTICE OF ADOPTION

Elderly Simplified Application Project (ESAP) for the Supplemental Nutrition Assistance Program (SNAP)

I.D. No. TDA-51-21-00002-A

Filing No. 235

Filing Date: 2022-03-24

Effective Date: 2022-04-13

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

Action taken: Amendment of sections 387.1, 387.9(a)(3), 387.22; addition of section 387.26 to Title 18 NYCRR.

Statutory authority: Social Services Law, sections 17(a)-(b), (k), 20(3)(d), 95; 7 United States Code, ch. 51(generally), sections 2011, 2013 and 2026

Subject: Elderly Simplified Application Project (ESAP) for the Supplemental Nutrition Assistance Program (SNAP).

Purpose: To simplify the SNAP eligibility process for certain elderly and/or disabled residents in New York State.

Text or summary was published in the December 22, 2021 issue of the Register, I.D. No. TDA-51-21-00002-EP.

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

Text of rule and any required statements and analyses may be obtained from: Richard P. Rhodes, Jr., New York State Office of Temporary and Disability Assistance, 40 North Pearl Street, 16C, Albany, NY 12243-0001, (518) 486-7503, email: richard.rhodesjr@otda.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2025, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

Workers' Compensation Board

NOTICE OF ADOPTION

DME Fee Schedule

I.D. No. WCB-03-22-00002-A

Filing No. 237

Filing Date: 2022-03-24

Effective Date: 2022-04-13

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

Action taken: Amendment of sections 442.1 and 442.2 of Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, sections 117 and 141

Subject: DME Fee Schedule.

Purpose: To update the DME fee schedule.

Text of final rule: A new subdivision (b) of section 442.1 of Title 12 NYCRR is hereby added to read as follows:

(a) This durable medical equipment fee schedule is applicable to durable medical equipment, medical/surgical supplies and other such items prescribed in the course of medical care or treatment for an injured employee dispensed on or after the most recent effective date of section 442.2 of this Part, regardless of the date of accident or date of disablement for an occupational disease. Durable medical equipment, medical/surgical supplies and other such items dispensed on or after July 11, 2007, but prior to the most recent effective date of section 442.2 of this part, shall be reimbursed pursuant to the fee schedule in section 442.2 of this part in effect on the date the durable medical equipment, medical/surgical supply or other such time was dispensed.

(b) *The Official New York Workers' Compensation Durable Medical Equipment Fee Schedule, as set forth in section 442.2 of this Title, shall be updated on an annual basis. New items of durable medical equipment added during the previous year will not have a fee associated to that item. Prior authorization to dispense such durable medical equipment as well as the price paid for the item will be required in accordance with section 442.4 of this Title before such durable medical equipment may be supplied to the claimant.*

Paragraph (1) of subdivision (a) of section 442.2 of Title 12 NYCRR is hereby amended to read as follows:

Section 442.2. Fee schedule

(a)(1) The maximum permissible charge for the purchase of durable medical equipment, medical/surgical supplies, and orthotic and prosthetic appliances shall be the fee payable for such equipment or supplies under the Official New York Workers' Compensation Durable Medical Equipment Fee Schedule, [second] *third* edition, [June 28] *January 19, 2021*, prepared and published by the Board, which is hereby incorporated by reference, *available for viewing free of charge on the Board's website.*

Final rule as compared with last published rule: Nonsubstantial changes were made in section 442.2.

Text of rule and any required statements and analyses may be obtained from: Heather MacMaster, Workers' Compensation Board, 328 State Street, Schenectady, NY 12305, (518) 486-9564, email: regulations@wcb.ny.gov

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis and Rural Area Flexibility Analysis are not required because the changes to the last published rule do not affect the meaning of any statements in the document.

Revised Job Impact Statement

The proposed regulation will not have any impact, adverse or otherwise, on jobs. The proposed amendments update the durable medical equipment fee schedule.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2025, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

During the public comment period, the Board received one comment which consisted of a list of questions about how to apply the codes and

rules found in the DME fee schedule. The Board will respond to this comment addressing their questions.

Changes made:

- Changed version date in text to January 19, 2022 (correcting typographical error to match the date the proposal was published in the State Register)

HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No.	Subject Matter	Location—Date—Time
Education Department		
EDU-13-22-00024-EP	Accelerated due process procedures	Zoom—June 8, 2022, 4:00 p.m. Link: https://zoom.us/j/94999944349?pwd=MDhYbnV3WFR6dHRZU00rakFDR0Yrdz09 Meeting ID: 949 9994 4349 Passcode: 452424 Call In: +1 646 558 8656 US (New York) Zoom—June 15, 2022, 11:00 a.m. Link: https://zoom.us/j/91822156772?pwd=OHJUbjQwV3RPL3JUZXVDOXF4NmZuUT09 Meeting ID: 918 2215 6772 Passcode: 672220 Call In: +1 646 558 8656 US (New York)
EDU-13-22-00028-P	The disability classification “emotional disturbance”	Zoom—April 27, 2022, 4:30 p.m. Link: https://zoom.us/j/91627203714?pwd=U3FVMERETkg5NDJNJDJSQzAyMUo2UT09 Meeting ID: 916 2720 3714 Passcode: LxM5Xw Call in: +19294362866, 91627203714#, *246557# US (New York) Zoom—May 23, 2022, 9:00 a.m. Link: https://zoom.us/j/97521696405?pwd=YTRDaE5PaUZTUWE2Yk5WM0FrWVzQT09 Meeting ID: 975 2169 6405 Passcode: g5iX4x Call in: +19294362866, 97521696405#, *494917# US (New York)
EDU-13-22-00029-P	Special education due process system procedures	Zoom—June 8, 2022, 3:00 p.m. Link: https://zoom.us/j/94999944349?pwd=MDhYbnV3WFR6dHRZU00rakFDR0Yrdz09 Meeting ID: 949 9994 4349 Passcode: 452424 Call in: +1 646 558 8656 US (New York) Zoom—June 15, 2022, 10:00 a.m. Link: https://zoom.us/j/91822156772?pwd=OHJUbjQwV3RPL3JUZXVDOXF4NmZuUT09 Meeting ID: 918 2215 6772 Passcode: 672220 Call in: +1 646 558 8656 US (New York)
Public Service Commission		
PSC-12-22-00010-P	Proposed major rate increase in Liberty SLG’s gas revenues	Teleconference—July 18, 2022 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)* *On occasion, a hearing may be rescheduled or postponed. In that event, public information notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case No. 21-G-0577.
PSC-13-22-00006-P	Proposed major rate increase in Con Edison’s delivery revenues of approximately \$500 million (or 18.2% in total revenues)	Teleconference—July 6, 2022 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)* *On occasion, a hearing may be rescheduled or postponed. In that event, public information notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case No. 22-G-0065.
PSC-13-22-00009-P	Proposed major rate increase in Con Edison’s delivery revenues of approximately \$1.2 billion (or 11.2% in total revenues)	Teleconference—July 6, 2022 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)*

*On occasion, a hearing may be rescheduled or postponed. In that event, public information notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case No. 22-E-0064.

State, Department of

DOS-14-22-00006-EP New York State Uniform Fire Prevention and Building Code (Uniform Code)

Department of State, 99 Washington Ave., Albany, NY—June 8, 2022, 10:00 a.m.

ACTION PENDING INDEX

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(*).

For additional information concerning any of the proposals

listed in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	00001	P

Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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AGING, OFFICE FOR THE

AGE-11-22-00002-P	03/16/23	Limits on Administrative Expenses and Executive Compensation	To repeal guidelines regarding placing limitations on Administrative Expenses and Executive Compensation.
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AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-23-21-00001-P	07/07/22	Regulated commodity labeling, packaging and method of sale requirements	Amend packaging, labeling & method of sale requirements for various commodities to align with industry & federal standards
AAM-52-21-00001-EP	12/29/22	Control of the Box Tree Moth (<i>Cydalis perspectalis</i>)	To help control the spread of the Box Tree Moth, which infests certain landscaping host plants, rendering them unmarketable

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-27-21-00009-P	07/07/22	General provisions applicable to all OASAS programs	To identify those provisions that are required of all OASAS certified, funded or otherwise authorized programs
ASA-42-21-00010-P	10/20/22	Provision of problem gambling treatment and recovery services.	Identify the requirements for provision of problem gambling services.
ASA-52-21-00005-EP	12/29/22	Masking requirements in all OASAS certified/funded/otherwise authorized settings	To prevent the ongoing threat to public health of the spread of COVID-19 in OASAS settings
ASA-11-22-00003-P	03/16/23	Patient rights in OASAS programs	Establish patient rights and provider obligations regarding patient rights in OASAS programs
ASA-11-22-00004-P	03/16/23	substance use disorder residential services	requirements for substance use disorder residential services
ASA-11-22-00005-P	03/16/23	Substance use disorder withdrawal and stabilization services	Requirements for providers of substance use disorder withdrawal and stabilization services
ASA-11-22-00006-P	03/16/23	residential services	requirements for the delivery of residential services

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF			
ASA-11-22-00007-P	03/16/23	General provisions applicable to all programs certified, funded or otherwise authorized by OASAS	General provisions applicable to all programs certified, funded or otherwise authorized by OASAS
ASA-11-22-00008-P	03/16/23	Substance use disorder residential rehabilitation services for youth	to establish standards for substance use disorder residential rehabilitation services for youth
ASA-11-22-00009-P	03/16/23	substance use disorder inpatient rehabilitation	requirements for substance use disorder inpatient rehabilitation services
ASA-11-22-00010-P	03/16/23	general service standards for substance use disorder outpatient programs	general service standards for substance use disorder outpatient programs
ASA-11-22-00011-P	03/16/23	INCIDENT REPORTING IN OASAS CERTIFIED, LICENSED, FUNDED, OR OPERATED SERVICES	INCIDENT REPORTING IN OASAS CERTIFIED, LICENSED, FUNDED, OR OPERATED SERVICES
ASA-12-22-00005-P	03/23/23	Designated Services	To add new Adolescent Program Endorsement and new Ancillary Withdrawal Designation
AUDIT AND CONTROL, DEPARTMENT OF			
AAC-09-22-00003-P	03/02/23	Electronic Contact	To provide that forms of electronic contact satisfy the written communication requirements under Abandoned Property Law
CANNABIS MANAGEMENT, OFFICE OF			
OCM-46-21-00010-P	11/17/22	Part 115 - Personal Cultivation of Cannabis	Regulation to authorize the home cultivation of cannabis for certified medical cannabis patients
OCM-01-22-00026-P	01/05/23	Part 114 - Cannabinoid Hemp	To create a licensing framework for cannabinoid hemp processors and cannabinoid hemp retailers
OCM-10-22-00017-P	03/09/23	Part 113 - Medical Cannabis	The proposed rule established the framework for the medical cannabis program in New York State
OCM-13-22-00002-P	03/30/23	Part 116 - Conditional Adult-Use Retail Dispensary	The proposed rule establishes the framework for a subset of retail licenses for the adult-use cannabis program in New York.
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-52-21-00003-EP	12/29/22	To establish minimum standards to control the spread of COVID-19 at residential congregate programs.	To establish minimum standards to control the spread of COVID-19 at residential congregate programs.
CIVIL SERVICE, DEPARTMENT OF			
CVS-01-22-00019-P	01/05/23	Family Sick Leave	To increase amount of annual family sick leave from fifteen (15) to twenty-five (25) days for eligible M/C employees
CVS-01-22-00020-P	01/05/23	Jurisdictional Classification	To classify a position in the exempt class.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-01-22-00021-P	01/05/23	Jurisdictional Classification	To classify positions in the exemp class and to classify a subheading and positions in the non-competitive class
CVS-01-22-00022-P	01/05/23	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-01-22-00023-P	01/05/23	Jurisdictional Classification	To delete a position from and classify a position in the exempt class.
CVS-01-22-00024-P	01/05/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-01-22-00025-P	01/05/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-06-22-00001-P	02/09/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-06-22-00002-P	02/09/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-06-22-00003-P	02/09/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-06-22-00004-P	02/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-22-00005-P	02/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-22-00006-P	02/09/23	Jurisdictional Classification	To delete a position and to classify a position in the exempt class and to classify positions in the non-competitive class
CVS-06-22-00007-P	02/09/23	Jurisdictional Classification	To delete a position from and to add a subheading and classify positions in the non-competitive class
CVS-06-22-00008-P	02/09/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-09-22-00001-P	03/02/23	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2022
CVS-10-22-00001-P	03/09/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-10-22-00002-P	03/09/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-10-22-00003-P	03/09/23	Jurisdictional Classification	To delete a position from the non-competitive class
CVS-10-22-00004-P	03/09/23	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-10-22-00005-P	03/09/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-10-22-00006-P	03/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-10-22-00007-P	03/09/23	Jurisdictional Classification	To classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-10-22-00008-P	03/09/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-22-00015-P	03/30/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-22-00016-P	03/30/23	Jurisdictional Classification	To delete a position from and to classify a position in the exempt class.
CVS-13-22-00017-P	03/30/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-22-00018-P	03/30/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-13-22-00019-P	03/30/23	Jurisdictional Classification	To add a subheading and classify positions in the non-competitive class
CVS-13-22-00020-P	03/30/23	Jurisdictional Classification	To classify positions in the exempt class and to classify a position in the non-competitive class
CVS-13-22-00021-P	03/30/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-13-22-00022-P	03/30/23	Jurisdictional Classification	To classify positions in the non-competitive class
CORRECTION, STATE COMMISSION OF			
CMC-34-21-00001-P	08/25/22	Jail staffing requirements	To provide county governments and the City of New York an increased role and flexibility in determining officer staffing levels
CMC-15-22-00007-EP	04/13/23	Segregated confinement	Set minimum standards for the imposition of segregated confinement and the operation of RRUs in jails
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-07-22-00006-P	02/16/23	Forwarding Incarcerated Individual Mail	To further clarify facility mail forwarding processing procedures.
CCS-08-22-00007-EP	02/23/23	Disposition for violations of the conditions of release	To bring Board regulations into compliance with recent amendments to the Executive Law.
CCS-14-22-00010-P	04/06/23	Incarcerated Individual Correspondence Program	To further clarify facility mail processing procedures.
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-42-21-00004-EP	10/20/22	Professional Policing Standards	Implementation of the "New York State Professional Policing Act of 2021"
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-45-21-00001-P	11/10/22	Commercial Production Credit Program	Update regulations to include a third party verification process for application submissions.
EDV-05-22-00007-P	02/02/23	Post Production Tax Credit Program	Update regulations to clarify the taxable year in which a credit is allowable.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-48-21-00008-P	02/17/23	Special education impartial hearing officers and the special education due process system procedures.	To address volume of special education due process complaints in the New York City due process system
EDU-48-21-00012-ERP	12/01/22	Annual visitation of voluntarily registered nursery schools and kindergartens.	To extend flexibility for the annual visitation of voluntarily registered nursery schools and kindergartens to the 2021-2022 SY.
EDU-52-21-00012-P	12/29/22	General Education Core in the Liberal Arts and Sciences requirements	To remove the General Education Core in the Liberal Arts and Sciences requirements for registered teacher preparation programs and Individual Evaluation Pathway to teacher certification
EDU-52-21-00013-P	12/29/22	The teacher performance assessment requirement for certification.	To modify the teacher performance assessment requirement by eliminating the requirement of the edTPA for certification
EDU-52-21-00014-ERP	12/29/22	Requirements for the Reissuance of an Initial Certificate	To remove the requirement that candidates complete 50 hours of CTLE and/or professional learning to obtain a reissuance
EDU-52-21-00015-EP	12/29/22	Administration of non-injectable glucagon in schools by trained unlicensed school personnel	To conform the Commissioner's regulations to Chapter 339 of the Laws of 2021
EDU-04-22-00008-EP	01/26/23	Cancellation of January 2022 administration of Regents Examinations	To provide regulatory flexibility in response to the cancellation of the January 2022 Regents examination administration.
EDU-04-22-00009-EP	01/26/23	Administration of Immunizations by Pharmacists.	To conform the Commissioner's regulation to Chapter 555 of the Laws of 2021 authorizing pharmacists to administer certain immunizations.
EDU-04-22-00010-EP	01/26/23	Assessment requirements for school district leader and school district business leader program completion, the institutional recommendation for Professional SDL and SDBL certification, and the institutional recommendation Transitional D certification.	Removes the requirement that SDL, SDBL, and Transitional D candidates pass the SDL and SDBL assessment, respectively, for program completion and the institutional recommendation for Professional and Transitional D certification
EDU-09-22-00013-P	03/02/23	Use of Therapeutic Pharmaceutical Agents by Certified Optometrists.	To add a new class of drugs, Rho kinase inhibitors, to the list of drugs that an optometrist certified to use phase two therapeutic pharmaceutical agents may use and prescribe to treat patients
EDU-09-22-00014-P	03/02/23	Content core requirements for candidates seeking an additional science certificate.	To revise the content core requirements in registered teacher preparation programs
EDU-09-22-00015-P	03/02/23	Literacy (All Grades) certificate	Establishes the Literacy (All Grades) certificate
EDU-09-22-00016-P	03/02/23	Board of education cooperative services regional technology plans.	To modernize the language and align requirements of the regional technology plans required to be submitted by BOCES.
EDU-13-22-00024-EP	06/15/23	Accelerated due process procedures.	To implement Chapter 812 of the Laws of 2021.
EDU-13-22-00025-P	03/30/23	Substantially Equivalent Instruction for Nonpublic School Students	Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-13-22-00026-P	03/30/23	Admission Requirements for Graduate-level Teacher and Educational Leadership Programs.	To align such admission requirements with Chapter 630 and 626 of the Laws of 2021.
EDU-13-22-00027-P	03/30/23	Instructional Hour COVID-19 Waiver	To extend the instructional hour COVID-19 waiver to the 2022-23 school year.
EDU-13-22-00028-P	05/23/23	The disability classification “emotional disturbance.”	To rename such disability classification to “emotional disability.”
EDU-13-22-00029-P	06/15/23	Special education due process system procedures	See attached.
ELECTIONS, STATE BOARD OF			
SBE-33-21-00010-P	08/18/22	Public Campaign Finance Program	Implementation of the Public Campaign Finance Program
SBE-39-21-00003-P	09/29/22	Required Debates for Statewide Candidates Participating in the Public Campaign Finance Program	Outlines Debate Requirements for Statewide Candidates Participating in the Public Campaign Finance Program
SBE-46-21-00001-P	11/17/22	Public Campaign Finance Board’s Enforcement Procedure	Relates to how the Public Campaign Finance Board will enforce the public campaign finance provisions of the Election Law
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-16-21-00012-P	04/21/22	Regulations governing whelk management	To protect immature whelk from harvest and establish gear and reporting rules for marine resource protection and public safety
ENV-22-21-00001-EP	06/02/22	Peekamoose Valley Riparian Corridor	Protect public health, safety, general welfare and natural resources on the Peekamoose Valley Riparian Corridor
ENV-24-21-00008-P	08/17/22	Petroleum Bulk Storage (PBS)	To amend the PBS regulations, 6 NYCRR Part 613
ENV-24-21-00009-P	08/17/22	Chemical Bulk Storage (CBS)	To repeal existing 6 NYCRR Parts 596, 598, 599 and replace with new Part 598; and amend existing Part 597; for the CBS program
ENV-37-21-00004-P	09/15/22	Deer Hunting	This rulemaking will allow counties to annually, by county law, “opt-out” of the late bow and/or muzzleloader deer seasons
ENV-51-21-00003-P	04/07/23	Environmental Remediation Programs	To amend 6 NYCRR Part 375, Environmental Remediation Programs.
ENV-14-22-00005-P	04/06/23	Amendments to New York State spring turkey hunting regulations	To increase hunting opportunities in Wildlife Management Unit 1C and to modernize allowable take methods
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-25-18-00006-P	 exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-42-21-00011-P	 10/20/22	DISCLOSURE REQUIREMENTS FOR CERTAIN PROVIDERS OF COMMERCIAL FINANCING TRANSACTIONS	To provide new disclosure rules for small business financings
DFS-44-21-00015-P	 11/03/22	Compliance With Community Reinvestment Act Requirements	To provide new rules concerning data collection on extension of credit to women-owned and minority-owned businesses.
DFS-47-21-00006-P	 11/24/22	Minimum Standards for the Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	To hold insurers, plans and HMOs responsible for inaccurate provider directory information and replies to insureds' inquiries.
DFS-50-21-00016-P	 12/15/22	Debt Collection by Third-Party Debt Collectors and Debt Buyers	To clarify and modify standards for debt collection practices in New York
DFS-09-22-00018-P	 03/02/23	Minimum Standards for the Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	To provide additional minimum standards for the content of health insurance identification cards in accordance with Federal law
DFS-11-22-00001-P	 03/16/23	Separate Accounts and Separate Account Contracts	To establish standards for separate accounts and separate account contracts.
DFS-14-22-00004-P	 04/06/23	Rules Governing the Procedures for Adjudicatory Proceedings Before the Department of Financial Services	To specify that administrative hearings are held by videoconference unless determination is made to hold the hearing in-person
GAMING COMMISSION, NEW YORK STATE			
SGC-13-22-00001-P	 03/30/23	Removing the requirement to couple entries with jockeys with relationships among them or with other participants in the race.	To enhance the integrity and safety of thoroughbred horse racing.
SGC-13-22-00003-P	 03/30/23	Regulation of charitable gaming games of chance.	To conform games of chance rules to current statutes and improve operations.
SGC-13-22-00004-P	 03/30/23	Regulation of charitable gaming raffles.	To conform raffles rules to current statutes and improve operations.
SGC-13-22-00005-P	 03/30/23	Racing license hearing requests and service methods.	To enhance the fairness and efficiency of adjudicatory proceedings.
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	 exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-05-21-00011-RP	 05/04/22	Ingredient Disclosures for Vapor Products and E-Cigarettes	To provide for enhanced public awareness of the chemicals used in vapor products and electronic cigarettes
HLT-46-21-00005-P	 11/17/22	Nursing Home Minimum Direct Resident Care Spending	Every RHCF shall spend a minimum of 70% of revenue on direct resident care and 40% of revenue on resident-facing staffing.
HLT-46-21-00007-P	 11/17/22	Minimum Staffing Requirements for Nursing Homes	Requiring minimum staffing levels for nursing homes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-50-21-00001-EP	12/15/22	Prevention of COVID-19 Transmission by Covered Entities	To require covered entities to ensure their personnel are fully vaccinated against COVID-19 subject to certain exemptions.
HLT-50-21-00002-EP	12/15/22	Investigation of Communicable Disease; Isolation and Quarantine	Control of communicable disease.
HLT-50-21-00003-EP	12/15/22	Face Coverings for COVID-19 Prevention	To control and promote the control of communicable diseases to reduce their spread.
HLT-50-21-00004-EP	12/15/22	Personal Caregiving and Compassionate Caregiving Visitors in Nursing Homes (NH's) and Adult Care Facilities (ACF's)	To require NH's & ACF's to establish policies & procedures relating to personal caregiving & compassionate caregiving visitors.
HLT-01-22-00004-P	01/05/23	Prescription Refills	Limits Medicaid FFS prescriptions to a maximum of 12 fills within one year from the date the prescriber initiates a prescription
HLT-07-22-00010-P	02/16/23	Clinical Staffing in General Hospitals	Requires general hospitals to have clinical staffing committees and create clinical staffing plans
HLT-07-22-00011-P	02/16/23	Surge and Flex Health Coordination System	Provides authority to the Commissioner to direct certain actions and waive certain regulations in an emergency.
HLT-10-22-00009-P	03/09/23	Updated Retention Standards for Adult Care Facilities	To ensure admission and retention standards for adult care facilities are consistent with the Americans with Disabilities Act.
HLT-12-22-00001-P	03/23/23	Clinical Laboratories and Blood Banks	To allow for remote supervision and updates to provide concordance with NYSED law for qualifications of technical personnel
HLT-12-22-00002-P	03/23/23	Reporting of Acute HIV Infection	To require clinicians to report any case of acute HIV within 24 hours of diagnoses
HLT-12-22-00003-P	03/23/23	Telehealth Services	To ensure continuity of care of telehealth services provided to Medicaid enrollees
HUMAN RIGHTS, DIVISION OF			
HRT-15-21-00005-RP	07/13/22	Notice of tenants' rights to reasonable modifications and accommodations for persons with disabilities	To comply with the requirements of Executive Law section 170-d
JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
JPE-06-22-00015-EP	02/09/23	Adjudicatory proceedings and appeals procedures for matters under the Commission's jurisdiction	To increase transparency of the Commission
LABOR, DEPARTMENT OF			
LAB-34-21-00002-EP	11/17/22	New York Health and Essential Rights Act (NY HERO Act)	Airborne Infectious Disease Exposure Prevention Standard
LAB-51-21-00007-P	02/09/23	Workplace Safety Committees	To comply with Labor Law 27-d(8) which requires that the Department adopt regulations.
LAB-05-22-00008-EP	02/02/23	Unemployment Insurance Work Search	Permit unemployment claimants to use virtual and electronic methods to engage in systemic and sustained work search efforts.

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LAW, DEPARTMENT OF			
LAW-49-21-00016-P	12/08/22	Charities regulatory framework and the use of gendered pronouns therein	Removal of all references to gender pronouns and replacing them with the neutral pronoun, "they" or "their"
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
*LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
*LPA-28-20-00033-EP	exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
*LPA-12-21-00011-P	exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
MENTAL HEALTH, OFFICE OF			
OMH-33-21-00005-ERP	08/18/22	Establishes Crisis Stabilization Centers.	To establish standards for a Crisis Stabilization Center which provides a full range of psychiatric and substance use services.
OMH-40-21-00007-EP	10/06/22	COVID-19 Masking Program	To implement a COVID-19 mask program
OMH-43-21-00002-ERP	10/27/22	COVID-19 Vaccination Program	To implement a COVID-19 vaccination program in OMH Operated or Licensed Hospitals
OMH-48-21-00003-EP	12/01/22	Telehealth Expansion	To establish regulations regarding the expansion of telehealth

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
METROPOLITAN TRANSPORTATION AGENCY			
MTA-16-21-00004-EP	04/21/22	Requiring mask wearing when using the facilities and conveyances of the MTA and its operating affiliates and subsidiaries	To safeguard the public health and safety by adding a new all-agency rule requiring the use of masks in facilities and conveyances
MOTOR VEHICLES, DEPARTMENT OF			
MTV-09-22-00017-P	03/02/23	Passenger and commercial registrations	Allows a passenger class registration for non-commercially used pickup trucks by removing the truck weight limitation
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-49-21-00010-EP	12/08/22	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
*OBA-07-19-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-37-21-00001-P	09/15/22	Certified Residential Opportunities	To provide equity in opportunities for certified residential opportunities
PDD-40-21-00002-EP	10/06/22	Mandatory Face Coverings in OPWDD Certified Services	To protect public health
PDD-43-21-00003-ERP	10/27/22	COVID-19 vaccines	To require vaccinations in certain OPWDD settings
PDD-04-22-00007-P	01/26/23	Reportable Incidents	To remove administration of medical cannabis from the list of reportable incidents
PDD-07-22-00004-EP	02/16/23	Certification of the Facility Class Known as Individualized Residential Alternative	To increase IRA capacity in cases of emergent circumstances
PDD-07-22-00005-EP	02/16/23	General Purpose	To increase IRA capacity in cases of emergent circumstances
PDD-09-22-00005-P	03/02/23	Administrative Compensation	To repeal Part 645 as Executive Order 38 has sunset
PDD-10-22-00010-EP	03/09/23	Training Flexibilities	To provide flexibility in training requirements

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	 exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	 exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	 exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	 exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	 exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	 exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	 exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	 exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	 exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	 exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	 exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	 exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	 exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	 exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	 exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	 exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	 exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	 exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	 exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-04-00013-P	 exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	 exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	 exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	 exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	 exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	 exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	 exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	 exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	 exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	 exempt	Accounts receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*PSC-46-04-00012-P	 exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	 exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	 exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	 exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	 exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	 exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	 exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	 exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-27-05-00018-P	 exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	 exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	 exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	 exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	 exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	 exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	 exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	 exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	 exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	 exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	 exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	 exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	 exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	 exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	 exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	 exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	 exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	 exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-06-00017-P	 exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	 exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	 exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	 exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	 exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	 exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	 exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	 exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	 exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	 exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	 exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	 exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	 exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	 exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	 exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	 exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	 exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	 exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-07-00005-P	 exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	 exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	 exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	 exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	 exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	 exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	 exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	 exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	 exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	 exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	 exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	 exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	 exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	 exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	 exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	 exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	 exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-08-00019-P	 exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	 exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	 exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	 exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	 exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	 exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	 exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	 exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	 exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	 exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	 exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	 exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	 exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	 exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	 exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	 exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	 exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-09-00015-P	 exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	 exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	 exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	 exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	 exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	 exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	 exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	 exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	 exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	 exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	 exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	 exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	 exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	 exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	 exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	 exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-09-00012-P	 exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	 exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	 exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	 exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	 exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	 exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	 exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	 exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	 exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	 exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	 exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	 exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	 exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	 exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	 exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	 exempt	Consideration of utility compliance filings	Consideration of utility compliance filings

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-32-09-00009-P	 exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	 exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	 exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	 exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	 exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	 exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	 exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	 exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	 exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	 exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	 exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	 exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	 exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	 exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	 exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	 exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-10-00009-P	 exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	 exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	 exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	 exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	 exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	 exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	 exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	 exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	 exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	 exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	 exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	 exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	 exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	 exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	 exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	 exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-10-00005-P	 exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	 exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	 exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	 exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	 exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	 exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	 exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	 exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	 exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	 exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	 exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	 exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	 exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	 exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	 exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	 exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-11-00013-P	 exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	 exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	 exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	 exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	 exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	 exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	 exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	 exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	 exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	 exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	 exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	 exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	 exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	 exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	 exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	 exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	 exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-12-00007-P	 exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	 exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	 exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	 exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	 exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	 exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	 exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	 exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	 exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	 exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	 exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	 exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	 exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	 exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	 exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	 exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-12-00009-P	 exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	 exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	 exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	 exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	 exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	 exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	 exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	 exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	 exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	 exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	 exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	 exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	 exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	 exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	 exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	 exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-13-00009-P	 exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	 exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	 exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	 exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	 exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	 exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	 exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	 exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	 exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	 exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	 exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	 exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	 exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	 exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	 exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	 exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	 exempt	Failure to Provide Escrow Information	The closure of the Escrow Account

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-13-00015-P	 exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	 exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	 exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	 exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	 exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	 exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	 exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	 exempt	Conditioning, restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning, restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	 exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	 exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	 exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	 exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	 exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	 exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	 exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	 exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDPC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-14-00012-P	 exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	 exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	 exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	 exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	 exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	 exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	 exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	 exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	 exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	 exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	 exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	 exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	 exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	 exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	 exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	 exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	 exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-14-00020-P	 exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	 exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	 exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	 exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	 exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	 exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	 exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	 exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	 exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	 exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	 exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	 exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	 exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	 exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	 exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	 exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-14-00012-P	 exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	 exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	 exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	 exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	 exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	 exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	 exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	 exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	 exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	 exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	 exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	 exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	 exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	 exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	 exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-15-00008-P	 exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	 exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	 exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	 exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	 exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	 exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	 exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	 exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	 exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	 exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	 exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	 exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	 exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	 exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	 exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	 exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	 exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-15-00021-P	 exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	 exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	 exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	 exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	 exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	 exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	 exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	 exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	 exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	 exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	 exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	 exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	 exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	 exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	 exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	 exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	 exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-16-00008-P	 exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	 exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	 exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	 exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	 exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	 exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	 exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	 exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	 exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	 exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	 exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	 exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	 exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	 exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	 exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	 exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	 exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-16-00005-P	 exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	 exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	 exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	 exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	 exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	 exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	 exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	 exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	 exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	 exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	 exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	 exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	 exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	 exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	 exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	 exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	 exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-17-00018-P	 exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	 exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	 exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	 exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	 exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	 exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	 exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	 exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	 exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	 exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	 exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	 exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	 exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-51-17-00011-P	 exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	 exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	 exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	 exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	 exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-18-00015-P	 exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	 exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	 exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	 exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	 exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	 exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	 exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	 exempt	Whether to impose consequences on Aspiry for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	 exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	 exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	 exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	 exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	 exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
*PSC-34-18-00016-P	 exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	 exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	 exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	 exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-18-00008-P	 exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	 exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	 exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	 exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	 exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	 exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	 exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	 exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	 exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	 exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*PSC-04-19-00004-P	 exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	 exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*PSC-06-19-00005-P	 exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	 exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	 exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	 exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-19-00004-P	 exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	 exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	 exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-20-19-00008-P	 exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	 exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	 exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-32-19-00012-P	 exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	 exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	 exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-41-19-00003-P	 exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
*PSC-46-19-00008-P	 exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
*PSC-46-19-00010-P	 exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
*PSC-08-20-00003-P	 exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
*PSC-10-20-00003-P	 exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
*PSC-12-20-00008-P	 exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
*PSC-15-20-00011-P	 exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
*PSC-16-20-00004-P	 exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-20-00012-P	 exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
*PSC-18-20-00015-P	 exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
*PSC-19-20-00004-P	 exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
*PSC-19-20-00005-P	 exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.
*PSC-19-20-00009-P	 exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.
*PSC-25-20-00010-P	 exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
*PSC-25-20-00016-P	 exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
*PSC-27-20-00003-P	 exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
*PSC-28-20-00022-P	 exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-28-20-00034-P	 exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*PSC-34-20-00005-P	 exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers.	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory.
*PSC-38-20-00004-P	 exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
*PSC-42-20-00008-P	 exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations.
*PSC-43-20-00003-P	 exempt	The use of \$50 million to support residential and commercial customers experiencing financial hardship	To consider whether the proposed support of ratepayers is in the public interest
*PSC-45-20-00003-P	 exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-46-20-00005-P	 exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water's service.	To determine if approving the DPS Staff's recommendations is in the public interest.
*PSC-48-20-00005-P	 exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-20-00007-P	 exempt	Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-51-20-00009-P	 exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its "Energy Savings Program" to mass market customers.
*PSC-51-20-00014-P	 exempt	Electric system needs and compensation for distributed energy resources.	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources.
*PSC-01-21-00004-P	 exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers.
*PSC-02-21-00006-P	 exempt	Disposition of a sales tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.
*PSC-04-21-00016-P	 exempt	Request for a waiver.	To consider whether good cause exists to support a waiver of the Commission's Test Period Policy Statement.
*PSC-06-21-00009-P	 exempt	Disposition of a property tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.
*PSC-09-21-00002-P	 exempt	Gas moratorium procedures	To consider procedures and criteria to minimize customer hardships in the unlikely event of a future gas moratorium
*PSC-09-21-00005-P	 exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-09-21-00006-P	 exempt	Long-term gas system planning.	To consider a process to review gas distribution utilities' long-term system planning.
*PSC-13-21-00016-P	 exempt	Revised distribution strategies and reallocation of remaining funding.	To ensure the appropriate use of funding reserved for gas safety programs.
PSC-16-21-00006-P	 exempt	The appropriate level of community credit capacity for distributed energy generation projects in the territory.	Consideration of an increase in the community credit capacity for distributed generation projects in the territory.
PSC-16-21-00007-P	 exempt	Accounting-related rules for utilities implementing the Integrated Energy Data Resource.	To consider cost recovery of capital expenditures and budget allocations of costs between affiliated companies.
PSC-17-21-00005-P	 exempt	Submetering equipment.	To consider use of submetering equipment and if it is in the public interest.
PSC-17-21-00006-P	 exempt	Community Choice Aggregation and Community Distributed Generation.	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation.
PSC-17-21-00007-P	 exempt	Utility studies of climate change vulnerabilities.	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities.
PSC-18-21-00004-P	 exempt	Community Choice Aggregation programs.	To modify and improve Community Choice Aggregation programs in New York State.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-18-21-00006-P	 exempt	Community Choice Aggregation renewable products.	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products.
PSC-18-21-00008-P	 exempt	RG&E's Economic Development Programs and exemption from funding limits.	To consider RG&E to grant up to \$5.25 million in ED funding to Project Block to the benefit of ratepayers.
PSC-19-21-00008-P	 exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG).	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program.
PSC-19-21-00009-P	 exempt	Major electric rate filing.	To consider an increase in O&R's electric delivery revenues.
PSC-19-21-00012-P	 exempt	Major gas rate filing.	To consider an increase in O&R's gas delivery revenues.
PSC-20-21-00004-P	 exempt	Regulatory approvals in connection with a 437 MW electric generating facility.	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest.
PSC-21-21-00012-P	 exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-21-21-00015-P	 exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00019-P	 exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-22-21-00008-P	 exempt	Cost allocation for project(s) to meet a Public Policy Transmission Need/Public Policy Requirement.	To address the cost allocation methodology for use by the New York Independent System Operator, Inc. (NYISO).
PSC-25-21-00005-P	 exempt	Transfer of Penelec assets and franchise rights.	To consider the transfer of utility assets and franchise to be in Waverly ratepayer and public interest.
PSC-26-21-00010-P	 exempt	Proposed acquisition of all shares of common stock of Corning Natural Gas Holding Corporation by ACP Crotona Corp.	To consider whether the acquisition of all shares of common stock of CNGH by ACP Crotona Corp. is in the public interest.
PSC-26-21-00011-P	 exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-28-21-00012-P	 exempt	Transfer of ownership interests in a 55 megawatt natural gas-fired cogeneration facility located in North Tonawanda, NY.	To address the proposed transfer and any matters within the public interest.
PSC-28-21-00013-P	 exempt	Elimination of internal audits of wholesale performance metrics.	To consider Verizon New York Inc.'s petition to eliminate requirements for certain internal audits.
PSC-28-21-00015-P	 exempt	Proposals for active and passive managed charging programs for mass market EV customers.	To shift EV charging to moderate grid impacts and customer costs.
PSC-29-21-00004-P	 exempt	Exemptions from utility standby rates for efficient combined heat and power projects.	To determine whether utility standby rate exemptions should be continued.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-29-21-00009-P	 exempt	Proposed pilot program to use AMI to disconnect electric service to customers during gas system emergencies.	To study the efficacy of using AMI to disconnect electric service during gas system emergencies.
PSC-30-21-00006-P	 exempt	NYSERDA proposal regarding Clean Energy Standard backstop collection processes.	To ensure that NYSERDA has sufficient funds to make timely payments to generators pursuant to the Clean Energy Standard.
PSC-32-21-00002-P	 exempt	The prohibition on ESCO service to low-income customers.	To consider whether Icon Energy, LLC d/b/a Source Power Company should be granted a waiver to serve low-income customers.
PSC-32-21-00003-P	 exempt	Exemptions from utility standby rates for certain designated or environmentally advantageous technologies.	To harmonize standby rate exemptions statewide.
PSC-33-21-00008-P	 exempt	Establishment of a Tapping and Connection Fee.	To consider whether the proposed fees are in the public interest.
PSC-33-21-00009-P	 exempt	Banking of credits and switching between Community Distributed Generation and Remote Crediting projects.	To ensure just and reasonable rates charged to customers.
PSC-34-21-00004-P	 exempt	CDG subscriber eligibility requirements.	To consider modifications to the CDG program eligibility requirements for certain Standby Service customers.
PSC-34-21-00006-P	 exempt	Staff recommendations to address the financial impacts of the COVID-19 pandemic.	To consider measures to provide relief to those financially impacted by the COVID-19 pandemic.
PSC-35-21-00004-P	 exempt	Major gas rate filing.	To consider a proposed increase in Conring's gas delivery revenues of approximately \$5.8 million (20.4% in total revenues).
PSC-35-21-00009-P	 exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators in New York State.
PSC-36-21-00006-P	 exempt	The Westchester Power Program.	To consider integration of Opt-out Community Distributed Generation into the Westchester Power program.
PSC-36-21-00007-P	 exempt	Pension settlement payout losses incurred in 2020.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2020.
PSC-37-21-00009-P	 exempt	Procedures necessary to implement Tax Law Section 187-q.	To establish procedures by which eligible utility-taxpayers can have the amounts of certain waived customer arrears certified.
PSC-37-21-00010-P	 exempt	Zero emitting electric generating facilities that are not renewable energy systems.	To consider modifications to the Clean Energy Standard.
PSC-37-21-00011-P	 exempt	Green Button Connect implementation.	To consider the proposed Green Button Connect User Agreement and Green Button Connect Onboarding Process document.
PSC-37-21-00012-P	 exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Catalyst should be permitted to offer its Community Distributed Generation product to mass market customers.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-37-21-00014-P	 exempt	Consideration of Time Warner Cable Information Services (New York)'s Revised Implementation Plan and audit recommendations.	To ensure that recommendations issued in a management and operations audit are appropriately addressed and implemented.
PSC-38-21-00006-P	 exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-38-21-00007-P	 exempt	Electric metering equipment.	To consider use of electric submeter and ensure that consumer bills will be based on accurate measurements of electric usage.
PSC-39-21-00006-P	 exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-39-21-00007-P	 exempt	The proposed alternative method of account identification.	To facilitate secure customer data exchanges between the utility or provider and energy service entities.
PSC-40-21-00017-P	 exempt	The Commission's Order Adopting Utility Energy Registry Modifications	To determine if the Commission committed errors of law or fact in its Order, or if new facts warrant a different result.
PSC-40-21-00021-P	 exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-43-21-00008-P	 exempt	Incremental demand side management programs.	To consider proposed demand side management programs and cost recovery.
PSC-44-21-00010-P	 exempt	Petition to enter a long term loan agreement and to institute a surcharge for recovery.	To determine if the issuance of long term debt and a surcharge mechanism for recovery is in the public interest.
PSC-44-21-00012-P	 exempt	Disposition of a New York State tax refund.	To determine the disposition of a tax refund obtained by New York American Water Company, Inc.
PSC-44-21-00014-P	 exempt	Development of distribution and local transmission in accordance with the AREGCB Act.	To support distribution and local transmission investments necessary to achieve the the State's climate goals.
PSC-46-21-00013-P	 exempt	ESCO Eligibility	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
PSC-46-21-00014-P	 exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-47-21-00003-P	 exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated.	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access.
PSC-47-21-00005-P	 exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated.	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access.
PSC-48-21-00007-P	 exempt	Verizon's Performance Assurance Plan.	To consider whether to retire the Performance Assurance Plan.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-49-21-00011-P	 exempt	Amendments to the SIR.	To more effectively interconnect distributed generation and energy storage systems 5 MW or less to the distribution system.
PSC-49-21-00012-P	 exempt	Hosting capacity maps at investor-owned electric utilities.	To provide more useful information about the distribution system's hosting capacity.
PSC-49-21-00013-P	 exempt	Amendments to the SIR and funding mechanisms.	To more equitably share costs among distributed generation and energy storage projects that require capital upgrades.
PSC-49-21-00014-P	 exempt	A Tier 4 renewable energy certificate contract.	To increase renewable generation in New York city.
PSC-49-21-00015-P	 exempt	A Tier 4 renewable energy certificate contract.	To increase renewable generation in New York city.
PSC-50-21-00005-P	 exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-50-21-00006-P	 exempt	Implementation of the Host Community Benefit Program.	To consider the proposed administration and implementation related to disbursement of customer bill credits.
PSC-50-21-00008-P	 exempt	Implementation of the Host Community Benefit Program.	To consider the proposed administration and implementation related to disbursement of customer bill credits.
PSC-50-21-00010-P	 exempt	New York City's proposal to procure Tier 4 Renewable Energy Certificates.	To modify load serving entity compliance obligations under the Clean Energy Standard.
PSC-50-21-00011-P	 exempt	Implementation of the Host Community Benefit Program.	To consider the proposed administration and implementation related to disbursement of customer bill credits.
PSC-50-21-00012-P	 exempt	Implementation of the Host Community Benefit Program.	To consider the proposed administration and implementation related to disbursement of customer bill credits.
PSC-50-21-00014-P	 exempt	Submetering of electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency measures are in place.
PSC-51-21-00010-P	 exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-52-21-00006-P	 exempt	Proposed tariff revisions to the Companies firm demand response programs for the 2021-2022 season.	To effectuate more efficient firm gas demand response programs to gain operational efficiency and shave peak demand.
PSC-52-21-00008-P	 exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-52-21-00009-P	 exempt	Authorization to recover costs for 19 transmission projects and related mechanisms.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-52-21-00010-P	 exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-01-22-00007-P	 exempt	Amendments to the SIR.	To more effectively interconnect distributed generation and energy storage systems 5 MW or less to the distribution system.
PSC-01-22-00008-P	 exempt	Proposed transfer of the Company's capital stock to the Purchaser.	To determine if transfer of the Company's capital stock to the Purchaser is in the public interest.
PSC-01-22-00009-P	 exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-01-22-00010-P	 exempt	Compensation of and incentives for distributed energy resources.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-01-22-00012-P	 exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-01-22-00013-P	 exempt	Interconnection costs.	To consider a petition requesting relief from interconnection costs assigned by the interconnecting utility.
PSC-01-22-00014-P	 exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-01-22-00015-P	 exempt	Petition to enter into a lease agreement and impose a surcharge.	To consider entry into a lease agreement and to impose a surcharge.
PSC-01-22-00016-P	 exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-01-22-00017-P	 exempt	Establishment of the regulatory regime applicable to a renewable natural gas project.	To ensure appropriate regulation of a new gas corporation.
PSC-02-22-00004-P	 exempt	Electric system needs and compensation for distributed energy resources.	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources.
PSC-02-22-00005-P	 exempt	The electric utilities' 2022 Electric Emergency Response Plans.	To consider the adequacy of the proposed 2022 Electric Emergency Response Plans.
PSC-02-22-00006-P	 exempt	Green gas products.	To consider whether to extend the waiver permitting Family Energy, Inc. to serve existing customers on a green gas product.
PSC-02-22-00007-P	 exempt	Proposed changes to Rider Z - SC 1 Innovative Pricing Pilot and Rider AA - SC 2 Innovative Pricing Pilot.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-03-22-00003-P	 exempt	Proposal by electric utilities on a revised benefit cost analysis method.	To support distribution and local transmission investments necessary to achieve the the State's clean energy and climate goals.
PSC-03-22-00004-P	 exempt	Proposal by electric utilities on a coordinated electric grid planning process.	To support distribution and local transmission investments necessary to achieve the the State's clean energy and climate goals.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-04-22-00002-P	 exempt	Con Edison's petition for specific non-pipeline alternative projects.	To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals.
PSC-04-22-00003-P	 exempt	Proposed sale of real property.	To determine if the proposed sale of real property is in the public interest.
PSC-04-22-00004-P	 exempt	Extension of the State Universal Service Fund.	To continue to provide universal service at a reasonable rate in certain service territories.
PSC-04-22-00005-P	 exempt	Petition to continue development and recover the costs of 23 local transmission projects.	To ensure safe and adequate service at just and reasonable rates and to support the State's clean energy and climate goals.
PSC-04-22-00006-P	 exempt	Area code overlay as relief of the exhausting 845 area code.	To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest.
PSC-05-22-00001-P	 exempt	Green gas products.	To consider an extension of the waiver permitting energy service companies to serve existing customers on green gas products.
PSC-05-22-00002-P	 exempt	Notification concerning tax refunds.	To consider Verizon New York Inc.'s request to retain a portion of a property tax refund.
PSC-05-22-00003-P	 exempt	Green gas products.	To consider an extension of the waiver permitting energy service companies to serve existing customers on a green gas product.
PSC-05-22-00004-P	 exempt	Initial Tariff Schedule.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-05-22-00005-P	 exempt	Disposition of a garbage and refuse tax refund.	To determine the disposition of tax refunds and other related matters.
PSC-05-22-00006-P	 exempt	Green gas products.	To consider an extension of the waiver permitting energy service companies to serve existing customers on a green gas product.
PSC-06-22-00009-P	 exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-06-22-00010-P	 exempt	Tariff rate modifications for PASNY Delivery Service.	To implement just and reasonable rates for distributed energy resources.
PSC-06-22-00011-P	 exempt	Green gas products.	To consider whether to extend the waiver permitting American Power & Gas to serve existing customers on a green gas product.
PSC-06-22-00012-P	 exempt	Retention of property tax refunds.	To consider Verizon New York Inc.'s request to retain a portion of a property tax refund.
PSC-06-22-00013-P	 exempt	The Commission's Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether to extend the date to comply with the CES locational and delivery requirements when purchasing RECs.
PSC-06-22-00014-P	 exempt	The regulatory regime applicable to a solar electric generating facility.	To ensure appropriate regulation of a new electric corporation.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-07-22-00007-P	 exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-07-22-00008-P	 exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-07-22-00009-P	 exempt	Notice of intent to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-08-22-00002-P	 exempt	Issuance of securities and other forms of indebtedness.	To provide funding for capital needs, including construction, and refinancing of maturing debt.
PSC-08-22-00003-P	 exempt	Electric metering equipment.	To consider the use of equipment and ensure that consumer bills will be based on accurate measurements of electric usage.
PSC-08-22-00004-P	 exempt	Debt financing arrangement.	To review the proposed financing and consider whether it is within the public interest.
PSC-08-22-00005-P	 exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-08-22-00006-P	 exempt	Establishment of a lightened regulatory regime applicable to a battery storage project.	To ensure appropriate regulation of an electric corporation.
PSC-09-22-00006-P	 exempt	Assessment of the need of the project for the the provision of safe and adequate service at just and reasonable rates.	To determine whether the project is necessary and whether the utility can begin cost recovery through a surcharge mechanism.
PSC-09-22-00007-P	 exempt	Green gas products.	To consider whether to extend the waiver permitting Viridian Energy PA, LLC to serve existing customers on a green gas product.
PSC-09-22-00008-P	 exempt	Green gas products.	To consider whether to extend the waiver permitting Just Energy New York to serve existing customers on a green gas product.
PSC-09-22-00009-P	 exempt	Establishing an alternative recovery mechanism for certain types of fees.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-22-00010-P	 exempt	Green gas products.	To consider whether to extend the waiver permitting Alpha Gas & Electric to serve existing customers on a green gas product.
PSC-09-22-00011-P	 exempt	Establishing an alternative recovery mechanism for certain types of fees.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-22-00012-P	 exempt	Proposals to implement an Electric Vehicle Make Ready Surcharge for Street Lighting Customers.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-10-22-00011-P	 exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-10-22-00012-P	 exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-10-22-00013-P	 exempt	Agreement for the provision of water service and waivers.	To consider whether the terms of a service agreement and requested waivers are in the public interest.
PSC-10-22-00014-P	 exempt	Amendments to Outdoor Gas Lighting tariff provisions.	To eliminate the outdated provisions concerning the use of natural gas for decorative outdoor lighting.
PSC-10-22-00015-P	 exempt	To assign certain easement interests and to transfer certain Central Hudson's property to Transco.	To consider whether the easement interests and transfer of certain Central Hudson property to Transco is in the public interest.
PSC-10-22-00016-P	 exempt	Amendments to Outdoor Gas Lighting tariff provisions.	To eliminate the outdated provisions concerning the use of natural gas for decorative outdoor lighting.
PSC-11-22-00012-P	 exempt	Policies, budgets, and targets to support space and water heating electrification programs.	To consider revised budgets and targets for Con Edison's New York Clean Heat Program.
PSC-11-22-00013-P	 exempt	Modifications to the budget and application to disadvantaged communities, limits of plugs per station, and funding levels.	Increase electric vehicle charging infrastructure in disadvantaged communities and other locations.
PSC-12-22-00006-P	 exempt	Electric metering equipment.	To consider use of electric metering equipment and ensure consumer bills are based on accurate measurements of electric usage.
PSC-12-22-00007-P	 exempt	Expanded Solar For All Program for low-income customers.	To consider the appropriate design of an opt-out community solar program for low-income customers.
PSC-12-22-00008-P	 exempt	Establishing an alternative recovery mechanism for certain types of fees.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-12-22-00009-P	 exempt	Linemen expenses shortfall for October 2020 to September 2021.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-12-22-00010-P	 exempt	Proposed major rate increase in Liberty SLG's gas revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-12-22-00011-P	 exempt	Proposed filing clarifying provisions under the Excelsior Jobs Program.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-13-22-00006-P	 exempt	Proposed major rate increase in Con Edison's delivery revenues of approximately \$500 million (or 18.2% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-13-22-00007-P	 exempt	Issuance of securities and other forms of indebtedness.	To provide funding for the construction of utility plant, refinancing maturing debt and other capital needs.
PSC-13-22-00008-P	 exempt	Pole attachment rates.	To provide just and reasonable pole attachment rates.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-13-22-00009-P	 exempt	Proposed major rate increase in Con Edison's delivery revenues of approximately \$1.2 billion (or 11.2% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-13-22-00010-P	 exempt	Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units.	To determine whether to authorize the waiver request while ensuring consumer and energy efficiency protections are in place.
PSC-13-22-00011-P	 exempt	Positive revenue adjustments associated with emergency response, damage prevention and leak management for 2020.	To consider a rehearing petition.
PSC-13-22-00012-P	 exempt	Issuance of securities and other forms of indebtedness.	To provide funding for the construction of utility plant, refinancing maturing debt and other capital needs.
PSC-13-22-00013-P	 exempt	Pole attachment rates.	To provide just and reasonable pole attachment rates.
PSC-13-22-00014-P	 exempt	Petition to develop and construct local transmission projects and to allocate and defer associated costs.	To ensure safe and adequate service at just and reasonable rates and to support the State's clean energy and climate goals.
PSC-14-22-00007-P	 exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-14-22-00008-P	 exempt	An opt-out community distributed generation program.	To establish the program rules for offering community distributed generation on and opt-out basis in New York State.
PSC-14-22-00009-P	 exempt	Establishment of the regulatory regime applicable to a solar electric generating and battery storage facility.	To ensure appropriate regulation of a new electric corporation.
PSC-15-22-00002-P	 exempt	Consider Staff Proposal on definitions and procedures for customers to receive credits and reimbursements.	To ensure customers receive credits and reimbursements paid by the utility for service outages..
PSC-15-22-00003-P	 exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-15-22-00004-P	 exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-15-22-00005-P	 exempt	Transfer of street lighting facilities.	To consider the transfer of street lighting facilities to the Town of Wallkill.
PSC-15-22-00006-P	 04/13/23	Technical amendments of state regulations and administrative corrections.	To make the provisions of natural gas service safer in New York State.
STATE, DEPARTMENT OF			
DOS-14-22-00006-EP	 06/08/23	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	To amend the existing Uniform Code to add provisions relating to grease traps or interceptors

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE UNIVERSITY OF NEW YORK			
SUN-24-21-00002-EP	06/16/22	Gender Neutral Bathrooms	To conform with legislation requiring SUNY state-operated campuses to designate all single occupancy bathrooms as gender neutral
TAXATION AND FINANCE, DEPARTMENT OF			
*TAF-46-20-00003-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-08-22-00001-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.	To set the sales tax component and the composite rate per gallon for the period April 1, 2022 through June 30, 2021.
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-01-22-00001-EP	01/05/23	2019 Novel Coronavirus (COVID-19) masking requirements in congregate shelters	Protect the well-being of shelter staff and persons staying in congregate shelters
TDA-13-22-00023-P	03/30/23	See attached Addendum #1	See attached Addendum #2
WORKERS' COMPENSATION BOARD			
WCB-28-21-00009-RP	07/14/22	Telehealth	Provides the option for telehealth visits in some circumstances
WCB-09-22-00002-P	03/02/23	Intraoperative Neurophysiological Monitoring	To define IOM and clarify that remote IOM is prohibited except in very limited circumstances

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REHABILITATE DAYCARE

Shirley Chisholm State Office Building
Brooklyn, Kings County

Sealed bids for Project No. 47060-C, comprising a contract for Construction Work, Rehabilitate Daycare, Shirley Chisholm State Office Building, 55 Hanson Place, Brooklyn (Kings County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, April 27, 2022 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$41,800 for C).

Further, Wicks Exempt Projects require a completed form BDC 59 (Wicks Exempt List of Contractors) be filled out and submitted (included in a separate, sealed envelope) in accordance with Document 002220, Supplemental Instructions to Bidders – Wicks Exempt. Failure to submit this form correctly will result in a disqualification of the bid.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Cook, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or

Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

_____ Project commenced design before January 1, 2020. Not subject to provision.

X Project commenced design on or after January 1, 2020. Subject to provision.

The substantial completion date for this project is 280 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 11:00 a.m. on April 14, 2022, at Shirley Chisholm State Office Building, 55 Hanson Place, Brooklyn, NY 11217. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Jill Knight (718-804-0730) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Division of Homeland Security and Emergency Services

1220 Washington Ave.
State Office Bldg. Campus, Bldg. 7A
Albany, NY 12242

UNITS OF LOCAL GOVERNMENT WITHIN TARGETED COUNTIES

2020 Critical Infrastructure Grant Program

Fiscal Year 2020 Critical Infrastructure Grant Program seeks applications for up to \$50,000 from federal State Homeland Security Program funding made available by the NYS Division of Homeland Security and Emergency Services (DHSES) for critical infrastructure protection. The FY2020 Critical Infrastructure Grant Program (CIGP) advances a common understanding of risk management. Applicants select a government owned critical infrastructure or mass gathering/ special event site and complete a risk assessment. First responders assess their capability to prevent and protect against attacks on the site. Grant funding is then applied to mitigate vulnerabilities identified in the risk assessment or enhance first responder's capabilities.

The priority focus for the FY2020 CIGP is government owned critical infrastructure or mass gathering/ special event sites. Examples of critical infrastructure sites include, but are not limited to, government office buildings (city/town halls), emergency services (emergency operations centers, 911 centers, police or fire stations), water systems (water treatment facilities, water distribution, wastewater treatments) or government owned stadiums. Examples of mass gathering/ special event sites include, government property, where events such as, but not limited to, major community festivals, races, concerts or games are held. These events must be reoccurring (but not necessarily the same event) and located or held on government owned or leased property that has definable geographic boundaries; the event or location must pose special security concerns, such a population surges and other factors that require additional law enforcement or emergency resources.

Only units of local government within targeted counties are eligible to apply for the FY2020 CIGP. Units of local governments include: counties, cities, towns, and/or villages. Applicants must be located in New York City or one of the following targeted counties: Albany, Broome, Dutchess, Erie, Herkimer, Livingston, Madison, Monroe, Nassau, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Tioga, Wayne, Westchester, and Yates. The application must be coordinated with at least two (2) agencies with prevention and/or protection responsibilities at the selected site. These must be law enforcement, fire department, emergency management, or public works agencies.

Applications will be accepted until May 5, 2022 at 5:00 p.m. through the DHSES electronic grants management system (E-Grants).

For the Request for Applications (RFA) please visit the DHSES website at <https://www.dhses.ny.gov/targeted-grants> or contact the DHSES Grants Hotline at (866) 837-9133.

Division of Homeland Security and Emergency Services

1220 Washington Ave.
State Office Bldg. Campus, Bldg. 7A
Albany, NY 12242

ALL NEW YORK STATE COUNTIES AS WELL AS UNITS OF LOCAL GOVERNMENT TO INCLUDE CITIES, TOWNS AND/OR VILLAGES THAT ARE REGISTERED MEMBERS OF THE MULTI-STATE INFORMATION SHARING AND ANALYSIS CENTER (MS-ISAC)

2020 Cyber Security Grant Program (CSGP)

Fiscal Year 2020 Cyber Security Grant Program (CSGP) seeks applications for up to \$50,000 from federal State Homeland Security Program funding made available by the NYS Division of Homeland Security and Emergency Services (DHSES). The purpose of this grant opportunity is to aid New York State's local jurisdictions in enhancing their ability to identify, protect, detect, respond to and recover from cyber incidents through funding of eligible planning, equipment, training and exercise costs.

The five objectives of this grant are to: 1) To provide New York State local jurisdictions with the resources and equipment necessary to prevent disruption of the confidentiality, integrity and availability of their information systems; 2) To assess cyber security risks, identify vulnerabilities and determine capability gaps with the focus of allocating resources to address the most critical needs; 3) To ensure that local jurisdictions are equipped with the knowledge and resources necessary for providing cyber security awareness training to their staff in support of good cyber hygiene at the user level; 4) To develop actionable cyber security plans that focus on response and immediate remediation to a cyber incident, and; 5) To encourage the participation in established cyber security support networks and utilization of the vast amount of resources available to local governments.

All New York State counties as well as units of local government to include cities, towns, and/or villages that are registered members of the Multi-State Information Sharing and Analysis Center (MS-ISAC) are eligible to apply for the FY2020 CSGP.

Applications will be accepted until May 5, 2022 at 5:00 p.m. through the DHSES electronic grants management system (E-Grants).

For the Request for Applications (RFA) please visit the DHSES website at <https://www.dhses.ny.gov/targeted-grants> or contact DHSES's Grant Hotline at (866) 837-9133.

Division of Homeland Security and Emergency Services

1220 Washington Ave.
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Albany, NY 12242

LOCAL, COUNTY AND TRIBAL LAW ENFORCEMENT OPERATIONS

2020 Explosive Detection Canine Team Grant Program

Fiscal Year 2020 Explosive Detection Canine Team Grant Program

seeks applications for up to \$50,000 from federal State Homeland Security Program funding made available by the NYS Division of Homeland Security and Emergency Services (DHSES) for programs to develop and support explosive detection canine team capabilities.

The six primary objectives of this grant are: 1) The advancement of explosive detection canine team capabilities; 2) The certification of explosive detection canine teams and compliance with annual recertification requirements; 3) Participation in DHS's Office for Bombing Prevention's (DHS-OBP) Explosive Detection Canine Capability Analysis Program; 4) Alignment to New York State's thirteen FBI Accredited bomb squads; 5) Use of the Bomb Arson Tracking System (BATS); and, 6) Promotion of regional partnerships in the development of mutual explosive detection canine team capabilities. Grants will be awarded to support local, county and Tribal law enforcement agencies with an active road patrol component of their law enforcement operations and who currently and/or previously managed a DCJS or NYSP certified explosive detection canine team within the last five (5) years.

Applications will be accepted until May 5, 2022 at 5:00 p.m. through the DHSES electronic grants management system (E-Grants).

For the Request for Applications (RFA) please visit the DHSES website at <https://www.dhses.ny.gov/targeted-grants> or contact DHSES's Grants Hotline at (866) 837-9133.

Division of Homeland Security and Emergency Services

1220 Washington Ave.
State Office Bldg. Campus, Bldg. 7A
Albany, NY 12242

LOCAL, COUNTY AND TRIBAL LAW ENFORCEMENT AGENCIES

2020 Tactical Team Grant Program

Fiscal Year 2020 Tactical Team Grant Program seeks applications for up to \$75,000 from federal State Homeland Security Program funding made available by the NYS Division of Homeland Security and Emergency Services (DHSES). The primary focus of this year's grant opportunity is to improve a tactical team's response capabilities through the attainment and sustainment of the SWAT Team Standards that were developed and approved by the New York State Division of Criminal Justice Services (DCJS) through the Municipal Police Training Council (MPTC).

Grants will be awarded to local, county, and tribal law enforcement agencies with an active tactical team as part of their law enforcement operations that respond to calls for service outside of a correctional setting AND have been certified by DCJS or have a pending application for certification with DCJS. The four primary objectives of this grant are to: 1) Advance tactical team capabilities through the attainment and sustainment of the minimum standards within this community; 2) Encourage and support training among law enforcement specialty teams to include bomb squads and explosive detection canine teams; 3) Promote regional partnerships in the development and build-out of mutual tactical team capabilities, and 4) Participate in DHS's Office for Bombing Prevention's (DHS-OBP) SWAT Capability Analysis Program.

Applications will be accepted until May 5 at 5:00 p.m. through the DHSES electronic grants management system (E-Grants).

For the Request for Applications (RFA) please visit the DHSES website at <https://www.dhses.ny.gov/targeted-grants> or contact DHSES's Grant Hotline at (866) 837-9133.

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COUNTIES ON BEHALF OF LOCAL EMERGENCY RESPONSE TEAMS

2020 Technical Rescue and Urban Search and Rescue (USAR) Team Grant Program

Fiscal Year 2020 Technical Rescue & Urban Search and Rescue (USAR) Team Grant Program seeks applications for up to \$225,000 from Federal State Homeland Security Program funding made available by the NYS Division of Homeland Security and Emergency Services (DHSES). The focus of this grant opportunity is to develop and support Technical Rescue & USAR team capabilities.

Grants will be awarded to counties on behalf of local emergency response teams that provide Technical Rescue & USAR services countywide or regionally. The four primary objectives of this grant are to: 1) Advance Technical Rescue & USAR capabilities statewide; 2) Develop Regional Response Partnerships to enhance multi-county response capabilities; 3) Encourage the development and maintenance of county-level Technical Rescue/USAR plans; and 4) Assess and standardize Technical Rescue and USAR Resources through participation in the DHSES Office of Fire Prevention and Control's Technical Rescue/USAR Accreditation program.

Applications will be accepted until May 5, 2022 at 5:00 p.m. through the DHSES electronic grants management system (E-Grants).

For the Request for Applications (RFA) please visit the DHSES website at <https://www.dhses.ny.gov/targeted-grants> or contact DHSES's Grants Hotline at (866) 837-9133.

Division of Homeland Security and Emergency Services

1220 Washington Ave.
State Office Bldg. Campus, Bldg. 7A
Albany, NY 12242

COUNTY GOVERNMENTS WITHIN NEW YORK STATE OR NEW YORK CITY

2022 Statewide Interoperable Communications Targeted Grant Program

The 2022 Statewide Interoperable Communications Targeted Grant Program is a non-competitive grant program for counties and New York City, as a single entity, (hereafter "Counties" or "Applicant") to close gaps in the interoperability infrastructure, regional communications deficiencies, and implementation of National Interoperability channels.

The goal of the 2022 SICG-Targeted program is to improve the overall status of land mobile radio interoperability for public safety agencies within New York as well as with other States, through implementing a targeted approach.

To be eligible to apply for and receive grant funding, applicants must: Be a county government within New York State or New York City requesting funding for the benefit of the county as a single entity. Applications must be submitted by a county government. (The five boroughs which comprise New York City [Bronx, Kings, Queens, New York and Richmond] must apply as a single entity.) Be an active member of, or demonstrate a commitment to, at least one New York State Regional Interoperable Communications Consortium. Further standards will be outlined within the Grant RFA posting.

The 2022 SICG Targeted Program has a total of \$62,427,798 in funding available for Counties to improve infrastructure related to National Interoperability channels, as well as certain proposals for communications network connectivity/backhaul within and between

consortiums/regions proposals which are core tenets to improve interoperability between them. Funding will be applied or distributed to eligible Applicants, those of which were identified as areas with insufficient coverage and/or insufficient infrastructure of National Interoperability Channels. The maximum available award is \$6 million.

The State Division of Homeland Security and Emergency Services will review applications and provide technical assistance to applicants as requested.

Applications will be accepted until May 11th, 2022, at 5:00pm, through the DHSES electronic grants management system (E-Grants).

For the Request for Applications (RFA) please visit the DHSES website at <https://www.dhses.ny.gov/statewide-interoperable-communications-grant-targeted-sicg> or contact DHSES's Grant Hotline at (866) 837-9133.

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE Department of Agriculture and Markets

IN THE MATTER OF ISSUANCE OF
AN ORDER TO POULTRY SHOWS
AND EXHIBITIONS AND TO THOSE
DISPLAYING POULTRY THEREAT

NOTICE OF ORDER
FOR THE CONDUCT OF
POULTRY SHOWS AND
EXHIBITIONS

WHEREAS, there has recently been several outbreaks of highly pathogenic avian influenza detected in the State;

WHEREAS, avian influenza is typically spread by an uninfected bird coming into contact with an infected bird or that bird's bodily fluids and/or secretions, and

WHEREAS, poultry shows and exhibitions (that is, venues where people and/or firms bring poultry owned or controlled by them to be displayed to paying or non-paying audiences) typically allow for poultry from different farms and premises to be displayed in close proximity with each other, and in a way that permits contact with each other and with each other's bodily fluids and secretion;

NOW, THEREFORE, BASED UPON THE FOREGOING, I, RICHARD A. BALL, COMMISSIONER OF AGRICULTURE AND MARKETS OF THE STATE OF NEW YORK, hereby find that to prevent the spread of avian influenza to the State's poultry population it is necessary that poultry not be displayed at poultry shows and exhibits; and

I HEREBY ORDER, pursuant to subdivisions (1) and (2) of Agriculture and Markets Law section 72, that: (1) no person or firm owning or operating a poultry show or an exhibition shall conduct such a show or exposition or permit or allow poultry to be displayed thereat; and/or (2) that no person or firm shall display poultry or cause poultry to be displayed at a show or an exhibition, until this Notice of Order is repealed.

PUBLIC NOTICE Department of Health

Strategic Health Equity Reform Payment Arrangements

In compliance with 42 CFR 431.408(a)(1), the New York State Department of Health is pleased to announce that it will conduct two virtual public hearings, to provide an overview of the State's proposed 1115 waiver amendment request, "Strategic Health Equity Reform Payment Arrangements: Making Targeted, Evidenced-Based Investments to Address the Health Disparities Exacerbated by the COVID-19 Pandemic" (SHERPA), and allow members of the public to provide comments. This notice further serves to open the 30-day public comment period which will close on May 13, 2022. In addition to this 30-day comment period where the public will be afforded the opportunity to provide written comments, the Department of Health will be hosting two virtual public hearings during which the public may provide oral comments. Any updates related to the public hearings will be sent via the MRT ListServ.

The New York State Department of Health (the State) requests \$13.5 billion over five (5) years to fund a new 1115 Waiver Demonstration that addresses the inextricably linked health disparities and systemic health care delivery issues that have been both highlighted and intensified by the COVID-19 pandemic. If approved, this 1115 Waiver Demonstration would utilize an array of multi-faceted and linked initiatives in order to change the way the Medicaid program integrates and pay for social care and health care in New York State (NYS). It would also lay the groundwork for reducing long standing racial, disability-related, and socioeconomic health disparities, increase health equity through measurable improvement of clinical quality and outcomes, and keep the overall Medicaid program expenditures budget neutral to the federal government.

To achieve this overall goal of fully integrating social care and health care into the fabric of the NYS Medicaid program, while recognizing the complexity of addressing varying levels of social care needs impacting the Medicaid population, this waiver proposal is structured around four subsidiary goals:

1. Building a more resilient, flexible, and integrated delivery system that reduces health disparities, promotes health equity, and supports the delivery of social care;
2. Developing and strengthening supportive housing services and alternatives for the homeless and long-term institutional populations;
3. Redesigning and strengthening system capabilities to improve quality, advance health equity, and address workforce shortages; and
4. Creating statewide digital health and telehealth infrastructure.

For the last decade, through its current 1115 waiver, NYS has engaged in efforts to redesign Medicaid using managed care and its recently ended DSRIP program. DSRIP had an overall goal of reducing avoidable hospitalizations by 25 percent and achieving savings while transforming the health system to use VBP. NYS achieved many of its goals with DSRIP, including a 26 percent reduction in Potentially Preventable Admissions (PPAs) and an 18 percent reduction in Potentially Preventable Readmissions (PPRs) through Measurement Year 5; facilitated a significant increase in Patient Centered Medical Home (PCMH) certification; made major progress in integrating physical and behavioral health care; and improved care transitions that directly reduced readmissions. The DSRIP program also incorporated

a Value-Based Payment Roadmap, which achieved its goals of at least 80% of the value of all Medicaid managed care contracts in shared savings (Level 1) or higher VBP arrangements, and 35% of contract value in upside and downside risk (Levels 2 and 3) arrangements. As a result of all these initiatives and others in the State's current 1115 waiver, as well as other Medicaid redesign initiatives, NYS Medicaid spending per beneficiary in 2019 was less than in 2011.

With this waiver demonstration proposal, NYS is incorporating lessons learned from its DSRIP experience, the experience of forming and collaborating with PPSs, the feedback received from stakeholders and the public throughout the demonstration, and insights uncovered during the subsequent DSRIP evaluation process. The State has identified several key practices that will be again leveraged to accomplish the health equity and system transformation goals listed in this amendment with some adjustments in implementation in response to the challenges, nuance, and opportunities experienced during previous efforts, and that recognize addition need as highlighted by COVID-19.

The following chart outlines the specific goals NYS hopes to achieve through this waiver and the objectives of each goal.

Goal	Objective(s)
1. Building a more resilient, flexible and integrated delivery system that reduces health disparities, promotes health equity, and supports the delivery of social care	a. Investments in regional planning through Health Equity Regional Organizations (HEROs) b. Investments in Social Determinant of Health Networks (SDHNs) c. Investments in Advanced VBP Models that fund the coordination and delivery of social care via an equitable, integrated health and social care delivery system d. Capacity building and training to achieve health equity goals e. Ensuring access for criminal justice-involved populations
2. Developing and strengthening supportive housing services and alternatives for the homeless and long-term institutional populations	Investments in supportive housing services, with a focus on the homeless and long-term institutional populations
3. Redesigning and strengthening system capabilities to improve quality, advance health equity, and address workforce shortages	a. Creation of a COVID-19 Unwind Quality Restoration Pool for financially distressed hospitals and nursing homes b. Investments to expand workforce capacity and develop a strong, representative and well-trained workforce
4. Creating statewide digital health and telehealth infrastructure	Ensure that the consumer-driven wave is available equitably by building digital and telehealth infrastructure and care models to significantly expand access to care, both in underserved areas, such as rural and other communities without convenient access to primary or specialty care, and for underserved needs, such as behavioral health and the management of chronic diseases

The two virtual public hearing/public forum meetings will be held as follows:

1. First Public Hearing/Public Forum
 - a. Thursday, April 28, 2022, 1:00 pm – 4:00 pm
 - b. Pre-registration is required for anyone wishing to provide oral comment using this link: <https://meetny.webex.com/meetny/onstage/g.php?MTID=e440388fd1bde4d353e94606bd0945ccc>
 - c. Individuals who wish to provide comment will need to register with an “SP” in front of their name (ex: SP Jane Doe) and must email 1115waivers@health.ny.gov no later than Wednesday, April 27, 2022, at 4pm to confirm registration.

d. Individuals will speak in their order of registration. We kindly request that all comments be limited to five minutes per presenter to ensure that all public comments may be heard.

2. Second Public Hearing/Public Forum

- a. Tuesday, May 3, 2022, 1:00 pm – 4:00 pm
- b. Pre-registration is required for anyone wishing to provide oral comment using this link: <https://meetny.webex.com/meetny/onstage/g.php?MTID=eb8826e2d40e98858a9cc9d11aa1a3a18>
- c. Individuals who wish to provide comment will need to register with an “SP” in front of their name (ex: SP Jane Doe) and must email 1115waivers@health.ny.gov no later than Monday, May 2, 2022, at 4pm to confirm registration.

d. Individuals will speak in their order of registration. We kindly request that all comments be limited to five minutes per presenter to ensure that all public comments may be heard.

The full public notice and a draft of the amendment request is available for review under the “MRT 1115 Waiver Amendments” tab at: https://www.health.ny.gov/health_care/medicaid/redesign/medicaid_waiver_1115.htm. For individuals with limited online access and require special accommodation to access paper copies, please call (518) 473-0868.

Prior to finalizing the proposed MRT Waiver Strategic Health Equity Reform Payment Arrangements application, the Department of Health will consider all written and verbal comments received. These comments will be summarized and addressed in the final version that is submitted to CMS. The Department will post a transcript of the public hearings on the following website: https://www.health.ny.gov/health_care/medicaid/redesign/medicaid_waiver_1115.htm

Please direct all questions to 1115waivers@health.ny.gov.

Written comments will be accepted by email at 1115waivers@health.ny.gov or by mail at: Department of Health, Office of Health Insurance Programs, Waiver Management Unit, 99 Washington Ave., 12th Fl., Suite 1208, Albany, NY 12210

All comments must be postmarked or emailed by 30 days of the date of this notice.

PUBLIC NOTICE

Department of Health

Strategic Health Equity Reform Payment Arrangements: Making Targeted, Evidenced-Based Investments to Address the Health Disparities Exacerbated by the COVID-19 Pandemic

In compliance with 42 CFR 431.408(a)(1), the New York State Department of Health is pleased to announce that it will conduct two virtual public hearings, to provide an overview of the State's proposed 1115 waiver amendment request, “Strategic Health Equity Reform Payment Arrangements: Making Targeted, Evidenced-Based Investments to Address the Health Disparities Exacerbated by the COVID-19 Pandemic” (SHERPA), and allow members of the public to provide comments. This notice further serves to open the 30-day public comment period which will close on May 13, 2022. In addition to this 30-day comment period where the public will be afforded the opportunity to provide written comments, the Department of Health will be hosting two virtual public hearings during which the public may provide oral comments. Any updates related to the public hearings will be sent via the MRT ListServ.

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 - c. Individuals who wish to provide comment will need to register with an “SP” in front of their name (ex: SP Jane Doe) and must email 1115waivers@health.ny.gov no later than Wednesday, April 27, 2022, at 4pm to confirm registration.
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request that all comments be limited to five minutes per presenter to ensure that all public comments may be heard.

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d. Individuals will speak in the order of registration. We kindly request that all comments be limited to five minutes per presenter to ensure that all public comments may be heard.

Prior to finalizing the proposed MRT 1115 waiver amendment Strategic Health Equity Reform Payment Arrangements application, the Department of Health will consider all written and verbal comments received. These comments will be summarized and addressed in the final version that is submitted to CMS.

Amendment Proposal Summary and Objectives

The New York State Department of Health (the State) requests \$13.5 billion over five (5) years to fund a new 1115 Waiver Demonstration that addresses the inextricably linked health disparities and systemic health care delivery issues that have been both highlighted and intensified by the COVID-19 pandemic. If approved, this 1115 Waiver Demonstration would utilize an array of multi-faceted and linked initiatives in order to change the way the Medicaid program integrates and pay for social care and health care in New York State (NYS). It would also lay the groundwork for reducing long standing racial, disability-related, and socioeconomic health disparities, increase health equity through measurable improvement of clinical quality and outcomes, and keep the overall Medicaid program expenditures budget neutral to the federal government.

To achieve this overall goal of fully integrating social care and health care into the fabric of the NYS Medicaid program, while recognizing the complexity of addressing varying levels of social care needs impacting the Medicaid population, this waiver proposal is structured around four subsidiary goals:

a. Building a more resilient, flexible, and integrated delivery system that reduces health disparities, promotes health equity, and supports the delivery of social care;

b. Developing and strengthening supportive housing services and alternatives for the homeless and long-term institutional populations;

c. Redesigning and strengthening system capabilities to improve quality, advance health equity, and address workforce shortages; and

d. Creating statewide digital health and telehealth infrastructure.

For the last decade, through its current 1115 waiver, NYS has engaged in efforts to redesign Medicaid using managed care and its recently ended DSRIP program. DSRIP had an overall goal of reducing avoidable hospitalizations by 25 percent and achieving savings while transforming the health system to use VBP. NYS achieved many of its goals with DSRIP, including a 26 percent reduction in Potentially Preventable Admissions (PPAs) and an 18 percent reduction in Potentially Preventable Readmissions (PPRs) through Measurement Year 5; facilitated a significant increase in Patient Centered Medical Home (PCMH) certification; made major progress in integrating physical and behavioral health care; and improved care transitions that directly reduced readmissions. The DSRIP program also incorporated a Value-Based Payment Roadmap, which achieved its goals of at least 80% of the value of all Medicaid managed care contracts in shared savings (Level 1) or higher VBP arrangements, and 35% of contract value in upside and downside risk (Levels 2 and 3) arrangements. As a result of all these initiatives and others in the State’s current 1115 waiver, as well as other Medicaid redesign initiatives, NYS Medicaid spending per beneficiary in 2019 was less than in 2011.

With this waiver demonstration proposal, NYS is incorporating lessons learned from its DSRIP experience, the experience of forming and collaborating with PPSs, the feedback received from stakeholders and the public throughout the demonstration, and insights uncovered

during the subsequent DSRIP evaluation process. The State has identified several key practices that will be again leveraged to accomplish the health equity and system transformation goals listed in this amendment with some adjustments in implementation in response to the challenges, nuance, and opportunities experienced during previous efforts, and that recognize addition need as highlighted by COVID-19.

The following chart outlines the specific goals NYS hopes to achieve through this waiver and the objectives of each goal.

Goal	Objective(s)
1. Building a more resilient, flexible and integrated delivery system that reduces health disparities, promotes health equity, and supports the delivery of social care	a. Investments in regional planning through Health Equity Regional Organizations (HEROs) b. Investments in Social Determinant of Health Networks (SDHNs) c. Investments in Advanced VBP Models that fund the coordination and delivery of social care via an equitable, integrated health and social care delivery system d. Capacity building and training to achieve health equity goals e. Ensuring access for criminal justice-involved populations
2. Developing and strengthening supportive housing services and alternatives for the homeless and long-term institutional populations	Investments in supportive housing services, with a focus on the homeless and long-term institutional populations
3. Redesigning and strengthening system capabilities to improve quality, advance health equity, and address workforce shortages	a. Creation of a COVID-19 Unwind Quality Restoration Pool for financially distressed hospitals and nursing homes b. Investments to expand workforce capacity and develop a strong, representative and well-trained workforce
4. Creating statewide digital health and telehealth infrastructure	Ensure that the consumer-driven wave is available equitably by building digital and telehealth infrastructure and care models to significantly expand access to care, both in underserved areas, such as rural and other communities without convenient access to primary or specialty care, and for underserved needs, such as behavioral health and the management of chronic diseases

Eligibility, Benefits, and Cost Sharing Changes

Beneficiaries would experience no reduction in available services, how they receive and access services, how services are delivered, or their expected cost sharing responsibilities. Under New York’s current 1115 waiver demonstration, cost sharing is required only for pharmacy- and durable medical equipment-related costs. NYS seeks approval from CMS to provide a targeted set of Medicaid services for incarcerated individuals 30 days prior to release, including in-reach care management and discharge planning, clinical consultant services, peer services, medication management plan development and delivery of certain high priority medications to ensure active Medicaid status upon release and to assist with the successful transition to community life. While this work may be conducted post-release, the chances of finding and engaging a previously incarcerated individual is significantly more difficult post-release and greatly reduces the chance of stabilization. Early results from other pilots across the nation show significant improvements in stabilization and outcomes when a pre-release model is used. These changes paired with coordinated field-based services that SDHNs through new VBP funding models could stabilize and support this population and reduce recidivism and adverse health outcomes. Individuals eligible for this program are those who are incarcerated in state facilities with two or more chronic physical/behavioral health conditions, a serious mental illness, HIV, or an opioid use disorder.

Enrollment and Fiscal Projections

addressing health disparities and the social determinants of health as detailed in this amendment.

#	Authority	Waived	#	Authority	Waived
1	To permit New York to geographically phase in the Managed Long Term Care (MLTC) program and the Health and Recovery Plans (HARP) and to phase in Behavioral Health (BH) Home and Community Based Services (HCBS) into HIV Special Needs Plans (HIV SNP).	Statewide Section 1902(a)(1)	3	To enable New York to provide behavioral health (BH) HCBS services and the Adult Rehabilitation Services named Community Oriented Recovery and Empowerment (CORE) Services, whether furnished as a state plan benefit or as a demonstration benefit to targeted populations that may not be consistent with the targeting authorized under the approved state plan, in amount, duration and scope that exceeds those available to eligible individuals not in those targeted populations.	Amount, Duration & Scope Section 1902(a)(10)(B)
2	a. To enable New York to apply a more liberal income standard for individuals who are deinstitutionalized and receive HCBS through the managed long term care program than for other individuals receiving community-based long term care. b. To the extent necessary to permit New York to waive cost sharing for non-drug benefit cost sharing imposed under the Medicaid state plan for beneficiaries enrolled in the Mainstream Medicaid Managed Care Plan (MMMC) – including Health and Recovery Plans (HARP) and HIV SNPs – and who are not otherwise exempt from cost sharing in § 447.56(a)(1). c. Family of One Non-1915 Children, or “Fo1 Children” – To allow the state to target eligibility to, and impose a participation capacity limit on, medically needy children under age 21 who are otherwise described in 42 CFR § 435.308 of the regulations who: 1) receive Health Home Comprehensive Care Management under the state plan in replacement of the case management services such individuals formerly received through participation in New York’s NY #.4125 1915(c) waiver and who no longer participate in such waiver due to the elimination of the case management services, but who continue to meet the targeting criteria, risk factors, and clinical eligibility standard for such waiver; and 2) receive HCBS 1915(c) services who meet the risk factors, targeting criteria, and clinical eligibility standard for the above-identified 1915(c) waiver. Individuals who meet either targeting classification will have excluded from their financial eligibility determination the income and resources of third parties whose income and resources could otherwise be deemed available under 42 CFR § 435.602(a)(2)(i). Such individuals will also have their income and resources compared to the medically needy income level (MNIL) and resource standard for a single individual, as described in New York’s state Medicaid plan. d. To provide targeted services to individuals who are incarcerated up to 30 days prior to their release into the community, to the extent that such individuals are eligible to enroll in MMMC, HARP or HIV SNPs.	Comparability Section 1902(a)(10) Section 1902(a)(17)	4	To the extent necessary to enable New York to require beneficiaries, including those individuals who are incarcerated up to 30 days prior to their release, to enroll in managed care plans, including the Mainstream Medicaid Managed Care (MMMC), and MLTC (excluding individuals designated as “Long-Term Nursing Home Stays”) and HARPs programs in order to obtain benefits offered by those plans. Beneficiaries shall retain freedom of choice of family planning providers.	Freedom of Choice Section 1902(a)(23)(A)
			5	To enable the state to limit the number of medically needy Fo1 Children not otherwise enrolled in the Children’s 1915(c) waiver.	Reasonable Promptness Section 1902(a)(8)

Expenditure Authority: New York is requesting expenditure authorities under Section 1115 to disburse funds for the initiatives detailed in this amendment. These include the authority to disburse funds for the creation and initial planning operations of HEROs and SDHNs; to utilize VBP funds in service of this amendment’s health equity goals; the expansion of supportive housing services; programming targeted at quality improvement, workforce, and health equity in financially distressed hospitals and nursing homes and workforce investments; digital health and telehealth infrastructure.

In addition, the State is requesting expenditure authority similar to that allowed for Designated State Health Program (DSHP) funding so that certain state and local health program expenditures are counted toward the State’s share of funding for this amendment.

#	Program	Authority
1	Demonstration-Eligible Populations	Expenditures for healthcare related costs for the following populations that are not otherwise eligible under the Medicaid state plan. a. Demonstration Population 2 (TANF Adult). Temporary Assistance for Needy Families (TANF) Recipients. Expenditures for health care related costs for low-income adults enrolled in TANF. These individuals are exempt from receiving a MAGI determination in accordance with § 1902(e)(14)(D)(i)(I) of the Act. b. Demonstration Population 9 (HCBS Expansion). Individuals who are not otherwise eligible, are receiving HCBS, and who are determined to be medically needy based on New York's medically needy income level, after application of community spouse and spousal impoverishment eligibility and post-eligibility rules consistent with section 1924 of the Act. c. Demonstration Population 10 (Institution to Community). Expenditures for health care related costs for individuals moved from institutional nursing facility settings to community settings for long term services and supports who would not otherwise be eligible based on income, but whose income does not exceed the income standard described in STC 4(c) of section IV, and who receive services through the managed long term care program under the demonstration. d. Included in Demonstration Population 12 [Family of One (Fo1) Children]- Medically needy children Fo1 Demonstration children under age 21 with a waiver of 1902(a)(10)(C)(i)(III) who meet the targeting criteria, risk factors, and clinical eligibility standard for #NY.4125 waiver including intermediate care facilities (ICF), nursing facilities (NF), or Hospital Level of Care (LOC) who are not otherwise enrolled in the Children's 1915(c).
2	Twelve-Month Continuous Eligibility Period	Expenditures for health care related costs for individuals who have been determined eligible under groups specified in Table 1 of STC 3 in Section IV for continued benefits during any periods within a twelve month eligibility period when these individuals would be found ineligible if subject to redetermination. This authority includes providing continuous coverage for the Adult Group determined financially eligible using Modified Adjusted Gross Income (MAGI) based eligibility methods. For expenditures related to the Adult Group, specifically, the state shall make a downward adjustment of 2.6 percent in claimed expenditures for federal matching at the enhanced federal matching rate and will instead claim those expenditures at the regular matching rate.
3	Facilitated Enrollment Services	Expenditures for enrollment assistance services provided by managed care organizations (MCO), the costs for which are included in the claimed MCO capitation rates.

#	Program	Authority
4	Demonstration Services for Behavioral Health Provided under Mainstream Medicaid Managed Care (MMC)	Expenditures for provision of residential addiction services, crisis intervention and licensed behavioral health practitioner services to MMC enrollees only and are not provided under the state plan [Demonstration Services 9].
5	Targeted Behavioral Health (BH) HCBS and CORE Services	Expenditures for the provision of BH HCBS and CORE Services under Health and Recovery Plans (HARP) and HIV Special Needs Plans (SNP) that are not otherwise available under the approved state plan [Demonstration Services 8].
	Designated State Health Programs Funding	Expenditures for designated state health program. Program specifications and total funding amount to be negotiated with CMS.
	Health Equity Regional Organizations (HEROs), Social Determinants of Health Networks (SDHN), and Value Based Payment Incentive Pools	Expenditures for incentive payments and planning grant payments for the HERO, SDHN, and VBP programs

Submission and Review of Public Comments

A draft of the proposed amendment request is available for review under the "MRT 1115 Waiver Amendments" tab at: https://www.health.ny.gov/health_care/medicaid/redesign/medicaid_waiver_1115.htm. For individuals with limited online access and require special accommodation to access paper copies, please call (518) 473-0868.

Prior to finalizing the proposed amendment application, the Department of Health will consider all written and verbal comments received. These comments will be summarized in the final submitted version. The Department will post a transcript of the public hearings on the following website: https://www.health.ny.gov/health_care/medicaid/redesign/medicaid_waiver_1115.htm

Please direct all questions to 1115waivers@health.ny.gov.

Written comments will be accepted by email at 1115waivers@health.ny.gov or by mail at: Department of Health, Office of Health Insurance Programs, Waiver Management Unit, 99 Washington Ave., 12th Fl., Suite 1208, Albany, NY 12210

All comments must be postmarked or emailed by 30 days of the date of this notice.

PUBLIC NOTICE

Office for People With Developmental Disabilities Heightened Scrutiny Evidence Summaries

In compliance with 42 CFR § 441.301(c)(5)(v), the Office for People With Developmental Disabilities (OPWDD) is pleased to announce that it will conduct a public comment period, to allow members of the public to provide comments on its Home and Community-Based Services (HCBS) Final Rule related Heightened Scrutiny evidence summaries, developed by OPWDD and New York State entities that oversee HCBS. This is being done to maintain federal match funding for home and community-based service setting(s) that OPWDD has determined can or will overcome the institutional (i.e., non-eligible for HCBS funding) presumption by Department of Health and Human Services (DHHS), on or before March 17, 2023.

OPWDD settings that are subject to Heightened Scrutiny provide person-centered community-based services in day habilitation or residential settings to individuals with intellectual and developmental disabilities. OPWDD monitors these settings for compliance with HCBS setting requirements. Based on these monitoring activities, OPWDD expects that each setting will maintain the federal match funding for HCBS funding.

This notice further serves to open the 30-day public comment pe-

riod that will open on April 27, 2022 and close on May 27, 2022. The public will be afforded the opportunity to provide written comments by Email at HCBSSettings@opwdd.ny.gov or by mail at OPWDD, Division of Policy and Program Development, 44 Holland Ave., Albany, NY 12229. Written comments that are emailed must be received by the close date of the public comment period. Written comments that are mailed must be postmarked by the close date of the public comment period.

Drafts of the proposed Heightened Scrutiny Evidence Summaries are available for review at: <https://opwdd.ny.gov/>. For individuals with limited online access and who require special accommodation, paper copies will be available at the following OPWDD Regional Offices:

Finger Lakes DDRO
620 Westfall Rd., Suite 108
Rochester, NY 14620

Western NY DDRO
1200 East and West Rd.
West Seneca, NY 14224

Broome DDRO
229-231 State St., 2nd Floor
Binghamton, NY 13901

Central NY DDRO
187 Northern Concourse
North Syracuse, NY 13212

Sunmount DDRO
2445 State Route 30
Tupper Lake, NY 12986

Brooklyn DDRO
888 Fountain Ave.
Bldg. 1, 2nd Floor
Brooklyn, NY 11239

Capital District DDRO
500 Balltown Rd.
Schenectady, NY 12304

Hudson Valley DDRO
9 Wilbur Rd.
Thiells, NY 10984

Taconic DDRO
38 Firemens Way
Poughkeepsie, NY 12603

Bernard Fineson DDRO
80-45 Winchester Blvd., Bldg. 80
2nd Floor Administrative Suite
Queens Village, NY 11427

Metro NY DDRO/Bronx
2400 Halsey St.
Bronx, NY 10461

Metro NY DDRO/Manhattan
25 Beaver St., 4th Floor
New York, NY 10004

OPWDD will consider all written comments received when making its final determination as to whether to continue to seek Medicaid HCBS federal matching funds for the setting(s) in question. OPWDD, in collaboration with the Department of Health HCBS Final Rule point of contact, will include a summary of the results in the next iteration of its HCBS Final Rule Statewide Transition Plan, which will ultimately be subject to an additional public comment period and subsequently posted here: https://www.health.ny.gov/health_care/medicaid/redesign/home_community_based_settings.htm

OPWDD will continue to communicate with stakeholders through the OPWDD Listserv as well as through the OPWDD Website at: <https://opwdd.ny.gov>

Please direct all questions to: OPWDD at HCBSSettings@opwdd.ny.gov

PUBLIC NOTICE

Department of State

The New York State Real Estate Board will hold an open board meeting on April 19, 2022 at 1:00 p.m. The meeting locations are as follows: Department of State, 99 Washington Avenue, Room 505, Albany; Department of State, 123 William Street, Room 231, New York City; 295 Main Street, Room 803 (Suite 821), Buffalo; and Department of Labor, 276 Waring Road, Regional Room A, Rochester. The Board will hold a public hearing on general real estate issues immediately following the board meeting at the same locations.

Should you require further information, please contact: Denise Tidings at Denise.Tidings@dos.ny.gov or 518-402-4921

PUBLIC NOTICE

Department of State

F-2021-1133

Date of Issuance – April 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities

described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-1133, Village of Dexter, is proposing to remove the existing shoreline vegetation and install approximately 285 feet of sheet piling with tie backs. The sheet piling will be 17 feet high vertically from the bedrock. In addition, large stone is proposed waterward of the proposed piling and small stone is proposed landward of the proposed piling. The project is located at the Village of Dexter Sewage Treatment Plant on Water Street in the Village of Dexter, Jefferson County on the Black River.

The stated purpose of the proposed action is to stabilize the eroding shoreline at the Sewage Treatment Plant as the shoreline has been eroding and caused the integrity of the treatment plants holding into question.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/04/f-2021-1133.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or May 13, 2022.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

F-2022-0010

Date of Issuance – April 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2022-0010, Long Island Power Authority, is proposing to install approximately 235 feet of eco-matress. A 35 linear feet portion of the exposed cable landward of the mean low water line will be covered with a minimum on 1 foot of clean sand (approximately 180 cubic yards) then covered by the mattresses. Once the eco-matresses have been installed, a minimum of 6 inches of clean sand (approximately 200 cubic yards) will cover the total length of the mattresses. The project is located at Captree State Park at 3500 E. Ocean Parkway in the Town of Islip, Suffolk County on Fire Island Inlet.

The stated purpose of the proposed action is to ensure long term protection of an exposed existing underground transmission cable through the use of eco-matresses with subsequent sand covering.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/04/f-2022-0010.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or May 13, 2022.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

F-2022-0127

Date of Issuance – April 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2022-0127, Con Edison Company of NY, Inc., is proposing to install new 13kV underground distribution feeders between the Hell Gate Substation in the Bronx and the Yorkville Network in Manhattan. The proposed installation will be achieved through two (2) trenchless crossings of the Harlem River by means of horizontal directional drilling (HDD). The location of the project is underneath the Harlem River between the Willis Ave ridge and the Third Ave Bridge, Manhattan/Bronx.

The stated purpose of the proposed action is to increase electrical capacity and ensure system reliability for the grid that serves New York City residents.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/04/f-2022-0127yorkvillehddcrossing.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or May 13, 2022.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

F-2022-0144

Date of Issuance – April 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2022-0144, David Kost, is proposing to maintain as constructed a 4' wide by 129' existing pile supported dock including a 10' wide by

19' long over the water deck attached to the existing dock. In addition, extend the existing dock an additional 20' (new section supported by 6" steel pile driving into bedrock) and install a 10' wide by 14' long pile (12") supported boat lift. The proposal is for the applicant's property on the St. Lawrence River at 46579 Tennis Island Road on Wellesley Island, Town Alexandria, Jefferson County

The stated purpose of the proposed action is to "Extend existing dock by 20 feet to allow enough water depth for dockage of personal boats."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/04/f-2022-0144publicnotice.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or May 13, 2022.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

F-2022-0203

Date of Issuance – April 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2022-0203, Jason Dorf is proposing to install a 4' x 116' fixed dock with thru flow open grate decking supported by 9" butt end pilings and ice breaker pilings. Also, a 4' x 8' beach access stair off dock, a 6' x 14' float dock secured to (2) pilings, dock will have a light at the end. The site is located on Shinnecock Bay at 15 Carmel Road, Hampton Bays, NY, 11946, Suffolk County.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/04/f-2022-0203dorf.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or May 13, 2022.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

**Department of State
Uniform Code Variance/Appeal Petitions**

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0118 Matter of Steener's Pub located at 3022 Route 430, Town of Ellery (County of Chautauqua), NY, for a variance concerning fire code requirements for sprinkler system. (Board Variance)

PUBLIC NOTICE

**Department of State
Uniform Code Variance/Appeal Petitions**

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2022-0127 in the Matter of H2M Architects & Engineers, Brian Paddock, 2700 Westchester Avenue, Suite 415, Purchase, NY 10577, for a variance concerning safety requirements, including stairway width. Involved is a residential dwelling located at 42 Old Post Road North, Village of Croton On Hudson, NY 10520, County of Westchester, State of New York.

2022-0128 in the Matter of Kaaterskill Associates, William A. Scribner, 517 Main Street, PO Box 1020, Cairo, NY 12413, for a variance concerning safety requirements, including fire alarms and sprinklers. Involved is a three story building located at Garter Road, Town of Thompson, NY 12701, County of Sullivan, State of New York.

2022-0129 in the Matter of LAN Associates E.P.A.S. LLP, Michael J. McGovern, 252 Main Street, Goshen, NY 10924, for a variance concerning safety requirements, including building envelope compliance. Involved is a one-story building located at 400 Harriman Drive, Town of Goshen, NY 10924, County of Orange, State of New York.

2022-0150 in the Matter of Mitchell Rutkin, 114 Lawrence Place, New Rochelle, NY 10801, for a variance concerning safety requirements, including the basement ceiling height. Involved is a single-family dwelling located at 114 Lawrence Place, City of New Rochelle, NY 10801, County of Westchester, State of New York.

2022-0151 in the Matter of Hudson Grey LLC, William Thompson, 50 S. Buckhout Street, Irvington, NY 10533, for a variance concerning safety requirements, including building alterations. Involved is a three-story building located at Two S. Astor Street, Village of Irvington, NY 10533, County of Westchester, State of New York.

2022-0152 in the Matter of Jennifer Gnecco, 15 Odell Circle, Newburgh, NY 12550, for a variance concerning safety requirements, including the basement ceiling height. Involved is a single-family dwelling located at 15 Odell Circle, Town of Newburgh, NY 12550, County of Orange, State of New York.

PUBLIC NOTICE

**Department of State
Uniform Code Variance/Appeal Petitions**

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless other-

wise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0142 Matter of Gladys Yu Principe, 95 Emerson Avenue, Floral Park, NY 11001, for a variance concerning safety requirements, including the ceiling height and the height under a girder/soffit. Involved is an existing one-family dwelling located at 95 Emerson Avenue, Village of Floral Park, NY 11001, County of Nassau, State of New York.

PUBLIC NOTICE

**Department of State
Uniform Code Variance/Appeal Petitions**

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0143 Matter of apartments at the Lyceum located at 97 Swinburne, City of Buffalo, County of Erie, NY, for a variance concerning fire code requirements for smoke control system in a three story atrium. (Board Variance)

PUBLIC NOTICE

**Department of State
Uniform Code Variance/Appeal Petitions**

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0146 In the matter of Cynthia Massicci, 129 Westhaven Road, Ithaca, New York 14850, for a variance concerning code issues for various light and ventilation and separation of dwellings for a two family residence, one story in height, located at 129 Westhaven Road, Town of Ithaca, County of Tompkins, State of New York.

PUBLIC NOTICE

**Department of State
Uniform Code Variance/Appeal Petitions**

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0149 Matter of Wood and Brookes Building located at 2101 Kenmore Avenue, Town of Tonawanda, County of Erie, NY, for a variance concerning fire barrier and fire wall requirements. (Board Variance)

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0153 In the matter of Noah Demarest A.I.A. of Stream Cocolabrotive, 108 West State Street, Ithaca NY 14850 for a variance concerning life safety issues pertaining building height issues at the proposed multiple family residence consisting of two buildings located at 815 South Aurora Street, City of Ithaca, County of Tompkins, State of New York.

PUBLIC NOTICE

Suffolk County Public Employees
Deferred Compensation Plan
Request for Proposals

Auditing Services for the Suffolk County Public Employees Deferred Compensation Plan (Section 457(b) Plan)

RFP Proposal Due Date: Friday, May 13th, 2022

The Suffolk County Public Employees Deferred Compensation Board ("Board") is accepting Proposals from qualified certified public accountants to audit the Suffolk County Public Employees Deferred Compensation Plan, a plan pursuant to Section 457(b) of the Internal Revenue Code.

To obtain a copy of the Request for Proposal, please visit the Plan's website at www.scdeferredcomp.org. The RFP will be available on the website, under Forms and Disclosures, beginning April 13th, 2022.

The completed Proposals must be returned directly to: Suffolk County Department of Human Resources, Personnel and Civil Service, Attn: Deferred Compensation Plan Administrator, Bldg. 158, P.O. Box 6100, 725 Veterans Memorial Highway, Hauppauge, NY 11788-0099

Responses are due no later than 4:00 p.m. Eastern Time on Friday, May 13th, 2022.

COURT NOTICES

AMENDMENT OF RULE

Amendment of Rule Rules of the Chief Judge

Pursuant to Article VI, § 28(c) of the State Constitution and section 211 of the Judiciary Law, upon consultation with the Administrative Board of the Courts, and with the approval of the Court of Appeals of the State of New York, I hereby amend, effective immediately, section 17.2 of the Rules of the Chief Judge, as follows:

17.2 Training and Education of Town and Village Justices and Court Clerks.

Training programs, under the auspices of the Chief Administrator of the Courts, shall be conducted for town and village justices at least three times per year at various locations in the State, in the following manner:

(a) The training programs shall consist of a basic and an advanced course *which shall include anti-bias training*. All newly selected justices, who are not members of the Bar of this State, shall attend the first available basic course, *including one hour of anti-bias training*, after their selection. Upon successful completion of such basic course, certification shall be issued which shall be valid until the next available advanced course. The aforesaid justices shall then be required to successfully complete such advanced course, *including one hour of anti-bias training*, and thereupon shall receive a certificate of completion.

(b) Every incumbent nonlawyer justice heretofore certified or certified pursuant to this section, shall be required to successfully complete an advanced course of training, *including one hour of anti-bias training*, once in each calendar year thereafter while holding office in order to maintain certification.

(c) Successful completion of a training program, as herein provided, shall mean attendance at no less than 80 percent of the sessions thereof *including one hour of anti-bias training* and a passing grade on a written examination in such course as established by the Chief Administrator.

(d) The Chief Administrator may issue temporary certificates to nonlawyer justices which shall be valid until the time of the next available course.

(e) Each newly elected or appointed justice who is a member of the Bar of this State shall attend the first available advanced course of training after his or her election or appointment. Each such justice shall attend an advanced course of training, *including one hour of anti-bias training*, each calendar year thereafter while holding office. Attendance at an advanced course shall mean attendance at no less than 80 percent of the sessions thereof, *including one hour of anti-bias training*. The Chief Administrator shall issue appropriate certificates of attendance.

(f) Each court clerk in a town or village court shall annually complete a training or continuing education program, *which includes one hour of anti-bias training*, approved by the Chief Administrator of the Courts.

AMENDMENT OF RULE

Amendment of Rule Uniform Rules for the Supreme and County Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend

Rules 1, 8, 9, 11-c, 11-e, 11-g, and Appendices of section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division), effective April 11, 2022, to read as follows:

Rule 1. Appearance by Counsel with Knowledge and Authority.

* * *

(b) Consistent with the requirements of *Rule 11-c* [Rule 8(b)], counsel for all parties who appear at the preliminary conference shall be sufficiently versed in matters relating to their clients' technological systems to discuss competently all issues relating to electronic discovery. Counsel may bring a client representative or outside expert to assist in such discussions.

* * *

Rule 8. Consultation prior to Preliminary and Compliance Conferences

(a) Counsel for all parties shall consult prior to a preliminary or compliance conference about (i) resolution of the case, in whole or in part; (ii) discovery and any other *topics* to be discussed at the conference, including *electronic discovery*, as set forth in *Rule 11-c*, and the timing and scope of expert disclosure under Rule 13(c); (iii) the use of alternate dispute resolution to resolve all or some issues in the litigation; and (iv) any voluntary and informal exchange of information that the parties agree would help aid early settlement of the case. Counsel shall make a good faith effort to reach agreement on these matters in advance of the conference.

[(b) Prior to the preliminary conference, counsel shall confer with regard to anticipated electronic discovery issues. Such issues shall be addressed with the court at the preliminary conference and shall include but not be limited to (i) identification of potentially relevant types or categories of electronically stored information ("ESI") and the relevant time frame; (ii) disclosure of the applications and manner in which the ESI is maintained; (iii) identification of potentially relevant sources of ESI and whether the ESI is reasonably accessible; (iv) implementation of a preservation plan for potentially relevant ESI; (v) identification of the individual(s) responsible for preservation of ESI; (vi) the scope, extent, order, and form of production; (vii) identification, redaction, labeling, and logging of privileged or confidential ESI; (viii) claw back or other provisions for privileged or protected ESI; (ix) the scope or method for searching and reviewing ESI; (x) the anticipated cost and burden of data recovery and proposed initial allocation of such costs; and (xi) designation of experts; and (xii) the need to vary the presumptive number or duration of depositions set forth in Rule 11-d.]

* * *

Rule 9. Accelerated Adjudication Actions.

* * *

(d) In any accelerated action, [electronic discovery shall proceed as follows unless the parties agree otherwise:]

[(i) the production of electronic documents shall normally be made in a searchable format that is usable by the party receiving the e-documents;]

[(ii)] the description of custodians [from whom electronic documents may be collected] shall be narrowly tailored to include only those individuals whose electronic documents may reasonably be expected to contain evidence that is material to the dispute. [; and] *In other respects, electronic discovery shall proceed as set forth in Rule 11-c.*

[(iii) where the costs and burdens of e-discovery are disproportionate to the nature of the dispute or to the amount in controversy, or to the relevance of the materials requested, the court will either deny such requests or order disclosure on condition that the requesting party advance the reasonable cost of production to the other side, subject to the allocation of costs in the final judgment.]

* * *

Rule 11-c. Discovery of Electronically Stored Information [from Nonparties].

(a) Parties and nonparties should [adhere to] *consult* the Commercial Division's Guidelines for Discovery of Electronically Stored Information ("ESI") (the "ESI Guidelines") [from nonparties], which can be found in Appendix A to these Rules of the Commercial Division. *The ESI Guidelines are advisory and should be applied to the extent appropriate under the circumstances.*

(b) *Prior to the preliminary conference, counsel shall confer with regard to electronic discovery topics, including those set forth in the ESI Guidelines. Topics on which the parties cannot agree shall be addressed with the court at the preliminary conference.*

(c) *Requests for the production of ESI may specify the format in which ESI shall be produced, to which the responding party may object. In the absence of such specification, or agreement among the parties or court order, the production of electronic documents shall be in the form in which it is ordinarily maintained, or in a searchable format that is usable by the party receiving the ESI.*

(d) *The costs and burdens of discovery of ESI shall be proportionate to its benefits, considering the nature of the dispute, the amount in controversy, and the importance of the materials requested to resolving the dispute. A court may deny or modify disproportionate requests or order disclosure on condition that the requesting party advance the reasonable cost of production to the other side, subject to the allocation of costs in the final judgment.*

(e) *The requesting party shall promptly defray the reasonable expenses associated with a nonparty's production of ESI, in accordance with CPLR 3111 and 3122(d).*

(f) *The parties are encouraged to use efficient means to identify ESI for production, which may include technology-assisted review in appropriate cases. The parties shall confer, at the outset of discovery and as needed throughout the discovery period, about technology-assisted review mechanisms they propose to use in document review and production.*

(g) *Inadvertent or unintentional production of ESI or documents containing information that is subject to the attorney-client privilege, work product protection, or other generally recognized privilege shall not be deemed a waiver in whole or in part of such privilege if the producing party (i) took reasonable precautions to prevent disclosure, and (ii) after learning of the inadvertent disclosure, promptly gave notice either in writing, or later confirmed in writing, to the receiving party or parties that such information was inadvertently produced and requests that the receiving party or parties return or destroy the produced ESI. Upon such notice, or as otherwise required, the receiving party or parties shall promptly return or destroy all such material, including copies, except as may be necessary to bring a challenge before the Court. The parties may extend or modify the protections and duties of this provision by written agreement, as provided in Rule 11-g(c), which shall be submitted to the Court to be ordered. Nothing in this rule shall abridge a lawyer's obligations under Rule 4.4(b) of the New York Rules of Professional Conduct concerning a lawyer's receipt of documents that appear to have been inadvertently sent.*

(h) *Consistent with CPLR 3126, a party should take reasonable steps to preserve ESI that it has a duty to preserve.*

* * *

Rule 11-e. Responses and Objections to Document Requests

* * *

[(f) The parties are encouraged to use the most efficient means to review documents, including electronically stored information ("ESI"), that is consistent with the parties' disclosure obligations under Article 31 of the CPLR and proportional to the needs of the case. Such means may include technology assisted review, including predictive coding, in appropriate cases. The parties are encouraged to

confer, at the outset of discovery and as needed throughout the discovery period, about technology assisted review mechanisms they intend to use in document review and production.]

* * *

Rule 11-g. Proposed Form of Confidentiality Order.

The following procedure shall apply in those parts of the Commercial Division where the justice presiding so elects:

* * *

(c) In the event the parties wish to incorporate a privilege clawback provision into either (i) the confidentiality order to be utilized in their commercial case, or (ii) another form of order utilized by the Justice presiding over the matter, they shall utilize the text set forth in *Appendix B, Paragraph 18* [Appendix E] to these Rules of the Commercial Division. In the event the parties wish to deviate from the language in *Appendix B, Paragraph 18* [Appendix E], they shall submit to the Court a red-line of the proposed changes and a written explanation of why the deviations are warranted in connection with the pending matter.

(d) In the event the parties wish to incorporate Attorney's Eyes-Only protection, the parties shall submit to the Court for signature the proposed stipulation and order that appears in Appendix F to these Rules of the Commercial Division. Appendix F provides both a clean form of order as well as a redline, which illustrates how it differs from the confidentiality order without Attorney's Eyes-Only protection and referenced in Rule 11-g(a) above. In the event the parties wish to deviate from the Attorney's Eyes-Only form set forth in Appendix F, they shall submit to the Court a redline of the proposed changes and a written explanation of why the deviations are warranted in connection with the pending matter.

(e) Nothing in this rule shall preclude a party from seeking any form of relief otherwise permitted under the Civil Practice Law and Rules.

* * *

Appendix A of section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division) is to be replaced by revised Appendix A.

Appendix B (model confidentiality order) of section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division) is to be replaced by revised Appendix B.

Please see the Appendix at the end of this issue for the text of new Appendixes A and B.

* * *

APPENDIX E.

(reserved)

[COMMERCIAL DIVISION PRIVILEGE CLAWBACK PROVISION (Rule 11g[e])]

[In connection with their review of electronically stored information and hard copy documents for production (the "Documents Reviewed") the Parties agree as follows:]

[a. to implement and adhere to reasonable procedures to ensure Documents Reviewed that are protected from disclosure pursuant to CPLR 3101(c), 3101(d)(2) and 4503 ("Protected Information") are identified and withheld from production.]

[b. if Protected Information is inadvertently produced, the Producing Party shall take reasonable steps to correct the error, including a request to the Receiving Party for its return.]

[c. upon request by the Producing Party for the return of Protected Information inadvertently produced the Receiving Party shall promptly return the Protected Information and destroy all copies thereof. Furthermore, the Receiving Party shall not challenge either the adequacy of the Producing Party's document review procedure or its efforts to rectify the error, and the Receiving Party shall not assert that its return of the inadvertently produced Protected Information has caused it to suffer prejudice.]

APPENDIX

The following Appendixes were filed with a Court Notice pertaining to Uniform Rules for the Supreme and County Courts published in this issue of the State Register.

APPENDIX A Commercial Division Guidelines for Discovery of Electronically Stored Information (“ESI”)

The purpose of these Guidelines for Discovery of ESI (the “Guidelines”) is to:

- Provide efficient discovery of ESI (a.k.a., e-discovery) in civil cases;
- Assist counsel in identifying ESI issues to be considered and addressed with its client;
- Encourage the early assessment and discussion of the costs of preserving, retrieving, reviewing and producing ESI given the nature of the litigation and the amount in controversy;
- Facilitate an early evaluation of the significance of and/or need for ESI in light of the parties’ claims or defenses;
- Assist parties in resolving disputes regarding ESI informally and without Court supervision or intervention whenever possible;
- Encourage meaningful discussions and cooperation between parties; and
- Ensure a productive Preliminary Conference by, among other things, identifying terms and issues that will be addressed at the Preliminary Conference and/or in the Preliminary Conference Stipulation and Order.

The Guidelines are advisory only and intended to facilitate compliance with the CPLR, the Uniform Civil Rules for the Supreme Court, and the Rules of the Commercial Division of the Supreme Court. In the case of any conflict between the Guidelines and these rules, the relevant rules should control.

The Guidelines apply to discovery from parties and nonparties alike, and the term “parties”, as used in these Guidelines, should be read to include nonparties to the extent applicable.

Parties are encouraged to review the Guidelines at or before the commencement of proceedings.

I. CONDUCT OF THE E-DISCOVERY PROCESS

- A. Parties are encouraged to share information relating to the e-discovery process, and to attempt in good faith to resolve disputes about ESI through the informal meet and confer process where possible, rather than through formal discovery or motion practice. Such informal discussions are strongly encouraged at the earliest reasonable stage of the discovery process. An attorney’s advocacy for a client is not compromised by conducting discovery in a cooperative manner, which tends to reduce litigation costs and delay, and facilitate the cost-effective, predictable and fair adjudication of cases.
- B. Parties should tailor requests for ESI to what is reasonable and proportionate, considering the burdens of the requested discovery, the nature of the dispute, the amount in controversy, and the importance of the materials requested to resolving those issues. Parties should not use discovery of ESI for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

- C. Consistent with New York Rule of Professional Conduct 1.1, counsel should be familiar with the legal and technical aspects of e-discovery in the matter so that it may appropriately advise its client how to conduct discovery in an efficient and legally defensible manner. This should include legal knowledge and skill with respect to the rules and case law related to e-discovery; its client's storage, organization, and format of ESI; and relevant information retrieval technology. Where appropriate (*e.g.*, in cases where there will likely be significant ESI discovery), and in order to assist with competent representation with respect to ESI issues, the parties should consider each designating an ESI Liaison, a person with particular knowledge and expertise about the parties' electronic systems and the e-discovery process, who can be prepared to participate in informal resolution of ESI disputes between the parties and presentation of issues to the Court should the need arise.

II. **PRELIMINARY CONFERENCE**

- A. Consistent with Rule 11-c(b), the parties should confer with the client with regard to anticipated electronic discovery issues prior to the Rule 7 Preliminary Conference. The Parties should consider a written stipulation for the preservation, collection, review and production of ESI, and consider submitting that agreement to the court to be ordered. A number of such ESI stipulations have been entered in the Commercial Division and there are published models available from other courts (*e.g.*, federal courts in the Northern District of California, the District of Maryland, and the Eastern District of Michigan), which may be consulted. Issues that cannot be resolved between the parties should be presented to the Court for resolution prior to or at the Preliminary Conference.
- B. Matters related to ESI that should be discussed prior to the Preliminary Conference should generally include:
1. the extent to which e-discovery is likely to be necessary for the just and efficient resolution of the dispute;
 2. the appropriate scope of preservation, including any sources of ESI that do not need to be preserved because they are not reasonably accessible;
 3. any potential conflicts between a party's discovery obligations and state, federal, and foreign laws governing the use and disclosure of protected personal, health, financial, trade secret and other information;
 4. the identification of custodians, time frame, and sources of ESI to be searched, including the identification of ESI sources that are not reasonably accessible;
 5. the method for searching and reviewing ESI, including the use of search terms, the exclusion of certain types of documents and other non-discoverable information from discovery, the use of de-duplication and email thread suppression, and the use of technology assisted review ("TAR").
 6. the appropriate format for production of ESI;

7. identification, redaction, labeling, and logging of privileged and other ESI protected from discovery or disclosure, including agreement on the clawback of inadvertently produced materials;
8. the anticipated cost and burden of ESI discovery and whether cost-sharing or cost-shifting is appropriate;
9. opportunities to reduce costs and increase efficiency and speed of e-discovery, such as through the phasing of discovery so as to prioritize searches that are most likely to be relevant, the use of sampling to test the likely relevance of searches, alternative methods for logging privilege information, and/or sharing expenses like those related to litigation document repositories.

III. **PRESERVATION AND COLLECTION OF ESI**

- A. Counsel should take an active role in assisting its client in the preservation and collection of ESI. This should include becoming knowledgeable about relevant ESI in its client's possession, custody, or control, and how such information is generated, maintained, retained, and disposed. Counsel should assist its client in all stages of the preservation and collection process, including the implementation of an effective legal hold, reasonable monitoring of compliance with that legal hold, identification of sources of relevant ESI, and defensible collection of that ESI.
- B. Counsel should be knowledgeable of the sources where a client's discoverable ESI may exist, including workstations, email systems, instant messaging systems, document management systems (e.g., Google Drive, Sharepoint, Confluence), collaboration tools (e.g., Microsoft Teams, Slack), social media, mobile devices and apps, cloud-based storage, back-up systems, and structured databases, so that it may advise its client as to whether such sources need to be collected and searched. Where counsel is not itself knowledgeable with respect to such sources, it should consult with persons with appropriate subject-matter expertise, knowledge, and competence.
- C. A party should take reasonable steps to identify and to preserve relevant data in its possession, custody, or control once litigation is pending or is reasonably anticipated. Factors to consider in formulating such steps should include, but are not limited to:
 1. the claims, defenses, and relevant facts in dispute;
 2. relevant time frames, geographic locations, and individuals;
 3. the types of ESI that may be relevant to the claims and defenses and the current repositories and custodians of that data;
 4. whether legacy, archived, or offline ESI sources are reasonably likely to contain relevant, non-duplicative information;

5. whether there are third-party sources that have relevant information that falls within the preservation obligation and, if so, what actions should be taken to preserve that ESI;
 6. whether any automatic or routine document retention or destruction policies should be suspended or modified; and
 7. the circumstances and information known or reasonably available to counsel and the parties at the time the preservation efforts at issue are or were undertaken.
- D. Reasonable preservation steps should include a written litigation hold(s) to be distributed to relevant individuals as soon as litigation is reasonably anticipated and/or has commenced. Reasonable preservation may also require affirmative action in order to ensure relevant ESI is not lost through the operation of processes that may automatically delete ESI. Parties should also consider the preservation risks associated with the use of “ephemeral” messaging systems (e.g., Snapchat, Telegram) that facilitate the disappearance of messages after they have been read by a recipient.
- E. The parties should discuss preservation, including the implementation of litigation holds, in order to ensure that the scope of preservation is reasonably tailored and not unduly burdensome. Such a discussion should occur at the onset of the case and periodically throughout the case as issues evolve. Preservation letters are not required to notify an opposing party of its preservation obligation. If a party does send a preservation letter, the letter should not be overbroad but rather should provide reasonable detail to allow informed decisions about the scope of the preservation obligation, such as the names of parties, a description of claims, potential witnesses, the relevant time period, sources of ESI the party knows or believes are likely to contain relevant information, and any other information that might assist the responding party in determining what information to preserve. A party has a duty to preserve relevant ESI, consistent with its common law, statutory, regulatory, or other duties, regardless of a preservation letter from an opposing party.
- F. For some sources of ESI, the burden of preserving them outweighs the potential benefit of unique, relevant ESI they may contain. The parties should discuss whether such sources need to be preserved beyond what may be preserved pursuant to normal business retention practices.

IV. **ESI NOT REASONABLY ACCESSIBLE**

- A. As the term is used herein, ESI should not be deemed “not reasonably accessible” based solely on its source or type of storage media. Inaccessibility is based on the burden and expense of recovering and producing the ESI and the relative need for the data. Whether data are not reasonably accessible due to undue burden or cost will depend on the facts of the case.
- B. No party should object to the discovery of ESI on the basis that it is not reasonably accessible unless the objection has been stated with particularity, and not in conclusory or boilerplate language. The party asserting that ESI is not reasonably accessible should be

prepared to specify facts that support its contention, including submitting an appropriate and detailed analysis in the form of an affidavit.

- C. If the requesting party intends to seek discovery of ESI from sources identified as not reasonably accessible, the parties should discuss the burdens and costs of accessing and retrieving the information, and consider conditions on obtaining this information, such as limits as to the scope, and allocation of costs between the requesting party and the producing party, as set forth in Rule 11-c(d) and in accordance with Section VIII of the Guidelines.

V. SEARCHING, FILTERING AND REVIEWING ESI

- A. Ordinarily, the producing party is best situated to evaluate the procedures, methodologies, and technologies for producing their own ESI, though a producing party should engage in a good faith exchange of information about its process and attempt to resolve any disputes regarding the process to be employed.
- B. Counsel should take an active role in assisting its client in the search and review of ESI. Counsel should assist its client in all stages of the search and review process, including, as appropriate, use of search terms and other methods for filtering ESI, review of ESI to determine what is responsive and/or privileged, and the production of responsive ESI.
- C. A search methodology need not be perfect but it should be reasonable under the circumstances. A reasonable methodology may include steps to reduce the volume of data by removing ESI that is duplicative, cumulative, or not reasonably likely to contain information within the scope of discovery.
- D. The parties should exchange reasonable information about a party's process for searching and reviewing ESI, including search terms to be used, filtering out of certain file types, date filters, de-duplication, email thread suppression, and the use of technology assisted review (TAR) to aid in the review process.
- E. Consistent with Rule 11-c(f), the parties are encouraged to use efficient means to identify ESI for production. The parties should tailor searches of ESI to (a) apply to custodians whose ESI may reasonably be expected to contain evidence that is material to the dispute and (b) employ search terms and other search methodologies (*e.g.*, TAR) reasonably designed to identify evidence that is material to the dispute. So that use of TAR is not unjustifiably discouraged, its use should not be held to a higher standard than the use of search term keywords or manual review. Counsel employing TAR should ensure that it is sufficiently knowledgeable regarding its use and/or associate with persons with appropriate subject-matter expertise, knowledge, and competence.

VI. FORM OF PRODUCTION OF ESI

- A. As set forth in Rule 11-c(c), a party requesting ESI may specify the format in which ESI shall be produced. The party responding to that request may object to the requested format to the extent it is burdensome or for any other valid reason, and if it does so, it should specify with particularity the format in which it proposes to produce ESI, about

which the parties should meet and confer, consistent with Rule 11-c(c). The parties are encouraged to reach agreement on a format for the production of ESI to avoid unnecessary expense and the risk of costly re-productions.

- B. Agreement on the form of production of ESI should address, among other issues, the following:
 - 1. whether documents should be produced as images (e.g., TIFF, JPG) or as native files;
 - 2. how searchable text associated with documents should be provided;
 - 3. what metadata fields should be provided;
 - 4. how documents should be labeled (e.g., by bates number) and how confidentiality designations and privilege redactions should be applied;
 - 5. production formats for non-document forms of ESI, such as multimedia, text messages, instant messages, social media, and structured databases.
- C. Ordinarily, absent agreement or court order to the contrary, a party should be permitted to produce ESI in the form in which it is ordinarily maintained, i.e., its native format. Where the native format would be unusable to the requesting party, the parties should meet and confer on a reasonable format.
- D. The producing party should not reformat, scrub or alter the ESI to intentionally downgrade the usability of the data.

VII. PRIVILEGE AND OTHER PROTECTIONS FROM DISCOVERY

- A. Parties should take reasonable steps to safeguard ESI subject to the attorney client privilege or other protections from disclosure. That said, pursuant to Rule 11-c(g), the inadvertent or unintentional production of ESI containing protected information should not be deemed a waiver if reasonable precautions were taken to prevent disclosure and prompt notice is given of the inadvertent disclosure. The use of search terms or other technology processes rather than wholesale manual review may be considered reasonable precautions to identify privileged material provided that they were appropriately employed.
- B. The parties may extend or modify the protections and duties of Rule 11-c(g) by written agreement.
- C. Counsel are reminded of their obligations under Rule 4.4(b) of the New York Rules of Professional Conduct concerning their receipt of documents that appear to have been inadvertently sent to them.
- D. Parties should be aware of and give due regard to state, federal, and foreign laws governing the use and disclosure of protected personal, health, financial, trade secret and other information, consistent with their New York discovery obligations.

VIII. COSTS

- A. As a general matter, the producing party should bear the cost of searching for, retrieving, and producing ESI. However, where the court determines the request constitutes an undue burden or expense on the responding party, the court may exercise its broad discretion to permit the shifting of costs between the parties. When evaluating whether costs should be shifted, courts should consider:
1. the extent to which the request is specifically tailored to discover relevant information;
 2. the availability of such information from other sources;
 3. the total cost of production, compared to the amount in controversy;
 4. the total cost of production, compared to the resources available to each party;
 5. the relative ability of each party to control costs and its incentive to do so;
 6. the importance of the issues at stake in the litigation; and
 7. the relative benefits to the parties of obtaining the information.
- B. Where a party seeks production of ESI from a non-party, the party seeking discovery shall promptly defray the reasonable expenses associated with the non-party's production of ESI, in accordance with Rules 3111 and 3122(d) of the CPLR. Such reasonable production expenses may include the following:
1. Reasonable fees charged by outside counsel and e-discovery consultants;
 2. The reasonable costs incurred in connection with the identification, preservation, collection, processing, hosting, use of advanced analytical software applications and other technologies, review for relevance and privilege, preparation of a privilege log (to the extent one is requested), and production;
 3. The reasonable cost of disruption to the nonparty's normal business operations to the extent such cost is quantifiable and warranted by the facts and circumstances; and
 4. Other costs as may be reasonably identified by the nonparty.

APPENDIX B

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

_____	:	Index No. _____
	:	
Plaintiff,	:	
	:	STIPULATION AND
- against -	:	ORDER FOR THE
	:	PRODUCTION AND
_____	:	EXCHANGE OF
	:	CONFIDENTIAL
Defendant.	:	INFORMATION
	:	

This matter having come before the Court by stipulation of plaintiff, _____, and defendant, _____, (individually “Party” and collectively “Parties”) for the entry of a protective order pursuant to CPLR 3103(a), limiting the review, copying, dissemination and filing of confidential and/or proprietary documents and information to be produced by either party and their respective counsel or by any non-party in the course of discovery in this matter to the extent set forth below; and the parties, by, between and among their respective counsel, having stipulated and agreed to the terms set forth herein, and good cause having been shown;

IT IS hereby ORDERED that:

1. This Stipulation is being entered into to facilitate the production, exchange and discovery of documents and information that the Parties and, as appropriate, non-parties, agree merit confidential treatment (hereinafter the “Documents” or “Testimony”).
2. Any Party or, as appropriate, non-party, may designate Documents produced, or Testimony given, in connection with this action as “confidential,” either by notation on each page

of the Document so designated, statement on the record of the deposition, or written advice to the respective undersigned counsel for the Parties hereto, or by other appropriate means.

3. As used herein:

(a) “Confidential Information” shall mean all Documents and Testimony, and all information contained therein, and other information designated as confidential, if such Documents or Testimony contain trade secrets, proprietary business information, competitively sensitive information or other information the disclosure of which would, in the good faith judgment of the Party or, as appropriate, non-party designating the material as confidential, be detrimental to the conduct of that Party’s or non-party’s business or the business of any of that Party’s or non-party’s customers or clients.

(b) “Producing Party” shall mean the parties to this action and any non-parties producing “Confidential Information” in connection with depositions, document production or otherwise, or the Party or non-party asserting the confidentiality privilege, as the case may be.

(c) “Receiving Party” shall mean the Parties to this action and/or any non-party receiving “Confidential Information” in connection with depositions, document production, subpoenas or otherwise.

4. The Receiving Party may, at any time, notify the Producing Party that the Receiving Party does not concur in the designation of a document or other material as Confidential Information. If the Producing Party does not agree to declassify such document or material within seven (7) days of the written request, the Receiving Party may move before the Court for an order declassifying those documents or materials. If no such motion is filed, such documents or materials shall continue to be treated as Confidential Information. If such motion

is filed, the documents or other materials shall be deemed Confidential Information unless and until the Court rules otherwise. Notwithstanding anything herein to the contrary, the Producing Party bears the burden of establishing the propriety of its designation of documents or information as Confidential Information.

5. Except with the prior written consent of the Producing Party or by Order of the Court, Confidential Information shall not be furnished, shown or disclosed to any person or entity except to:

(a) personnel of the Parties actually engaged in assisting in the preparation of this action for trial or other proceeding herein and who have been advised of their obligations hereunder;

(b) counsel for the Parties to this action and their associated attorneys, paralegals and other professional and non-professional personnel (including support staff and outside copying services) who are directly assisting such counsel in the preparation of this action for trial or other proceeding herein, are under the supervision or control of such counsel, and who have been advised by such counsel of their obligations hereunder;

(c) expert witnesses or consultants retained by the Parties or their counsel to furnish technical or expert services in connection with this action or to give testimony with respect to the subject matter of this action at the trial of this action or other proceeding herein; provided, however, that such Confidential Information is furnished, shown or disclosed in accordance with paragraph 7 hereof;

(d) the Court and court personnel;

(e) an officer before whom a deposition is taken, including stenographic reporters and any necessary secretarial, clerical or other personnel of such officer;

(f) trial and deposition witnesses, if furnished, shown or disclosed in accordance with paragraphs 9 and 10, respectively, hereof; and

(g) any other person agreed to by the Producing Party.

6. Confidential Information shall be utilized by the Receiving Party and its counsel only for purposes of this litigation and for no other purposes.

7. Before any disclosure of Confidential Information is made to an expert witness or consultant pursuant to paragraph 5(c) hereof, counsel for the Receiving Party making such disclosure shall provide to the expert witness or consultant a copy of this Stipulation and obtain the expert's or consultant's written agreement, in the form of Exhibit A attached hereto, to comply with and be bound by its terms. Counsel for the Receiving Party obtaining the certificate shall supply a copy to counsel for the other Parties at the time designated for expert disclosure, except that any certificate signed by an expert or consultant who is not expected to be called as a witness at trial is not required to be supplied.

8. All depositions shall presumptively be treated as Confidential Information and subject to this Stipulation during the deposition and for a period of fifteen (15) days after a transcript of said deposition is received by counsel for each of the Parties. At or before the end of such fifteen day period, the deposition shall be classified appropriately.

9. Should the need arise for any Party or, as appropriate, non-party, to disclose Confidential Information during any hearing or trial before the Court, including through argument or the presentation of evidence, such Party or, as appropriate, non-party may do so only after taking such steps as the Court, upon motion of the Producing Party, shall deem necessary to preserve the confidentiality of such Confidential Information.

10. This Stipulation shall not preclude counsel for any Party from using during any deposition in this action any Documents or Testimony which has been designated as “Confidential Information” under the terms hereof. Any deposition witness who is given access to Confidential Information shall, prior thereto, be provided with a copy of this Stipulation and shall execute a written agreement, in the form of Exhibit A attached hereto, to comply with and be bound by its terms. Counsel for the Party obtaining the certificate shall supply a copy to counsel for the other Parties and, as appropriate, a non-party that is a Producing Party. In the event that, upon being presented with a copy of the Stipulation, a witness refuses to execute the agreement to be bound by this Stipulation, the Court shall, upon application, enter an order directing the witness’s compliance with the Stipulation.

11. A Party may designate as Confidential Information subject to this Stipulation any document, information, or deposition testimony produced or given by any non-party to this case, or any portion thereof. In the case of Documents, produced by a non-party, designation shall be made by notifying all counsel in writing of those documents which are to be stamped and treated as such at any time up to fifteen (15) days after actual receipt of copies of those documents by counsel for the Party asserting the confidentiality privilege. In the case of deposition Testimony, designation shall be made by notifying all counsel in writing of those portions which are to be stamped or otherwise treated as such at any time up to fifteen (15) days after the transcript is received by counsel for the Party (or, as appropriate, non-party) asserting the confidentiality. Prior to the expiration of such fifteen (15) day period (or until a designation is made by counsel, if such a designation is made in a shorter period of time), all such Documents and Testimony shall be treated as Confidential Information.

In Counties WITH Electronic Filing

12.

(a) A Party or, as appropriate, non-party, who seeks to file with the Court (i) any deposition transcripts, exhibits, answers to interrogatories, or other documents which have previously been designated as comprising or containing Confidential Information, or (ii) any pleading, brief or memorandum which reproduces, paraphrases or discloses Confidential Information shall file the document, pleading, brief, or memorandum on the NYSCEF system in redacted form until the Court renders a decision on any motion to seal (the “Redacted Filing”). If the Producing Party fails to move to seal within seven (7) days of the Redacted Filing, the Party (or, as appropriate, non-party) making the filing shall take steps to replace the Redacted Filing with its corresponding unredacted version.

(b) In the event that the Party’s (or, as appropriate, non-party’s) filing includes Confidential Information produced by a Producing Party that is a non-party, the filing Party shall so notify that Producing Party within twenty four (24) hours after the Redacted Filing by providing the Producing Party with a copy of the Redacted Filing as well as a version of the filing with the relevant Producing Party’s Confidential Information unredacted.

(c) If the Producing Party makes a timely motion to seal, and the motion is granted, the filing Party (or, as appropriate, non-party) shall ensure that all documents (or, if directed by the court, portions of documents) that are the subject of the order to seal are filed in accordance with the procedures that govern the filing of sealed documents on the NYSCEF system. If the Producing Party’s timely motion to seal is denied, then the Party (or, as appropriate, non-party) making the filing shall take steps to replace the Redacted Filing with its corresponding unredacted version.

(d) Any Party filing a Redacted Filing in accordance with the procedure set forth in this paragraph 12 shall, contemporaneously with or prior to making the Redacted Filing, provide the other Parties and the Court with a complete and unredacted version of the filing.

(e) All pleadings, briefs or memoranda which reproduce, paraphrase or disclose any materials which have previously been designated by a party as comprising or containing Confidential Information shall identify such documents by the production number ascribed to them at the time of production.

In Counties WITHOUT Electronic Filing

13. (a) A Party or, as appropriate, non-party, who seeks to file with the Court any deposition transcripts, exhibits, answers to interrogatories, and other documents which have previously been designated as comprising or containing Confidential Information, or any pleading, brief or memorandum which reproduces, paraphrases or discloses Confidential Information, shall (i) serve upon the other Parties (and, as appropriate, non-parties) a Redacted Filing and a complete and unredacted version of the filing; (ii) file a Redacted Filing with the court; and (iii) transmit the Redacted Filing and a complete unredacted version of the filing to chambers. Within three (3) days thereafter, the Producing Party may file a motion to seal such Confidential Information.

(b) If the Producing Party does not file a motion to seal within the aforementioned three (3) day period, the Party (or, as appropriate, non-party) that seeks to file the Confidential Information shall take steps to file an unredacted version of the material.

(c) In the event the motion to seal is granted, all (or, if directed by the court, portions of) deposition transcripts, exhibits, answers to interrogatories, and other documents which have previously been designated by a Party (or, as appropriate, non-party) as comprising

or containing Confidential Information, and any pleading, brief or memorandum which reproduces, paraphrases or discloses such material, shall be filed in sealed envelopes or other appropriate sealed container on which shall be endorsed the caption of this litigation, the words “CONFIDENTIAL MATERIAL-SUBJECT TO STIPULATION AND ORDER FOR THE PRODUCTION AND EXCHANGE OF CONFIDENTIAL INFORMATION” as well as an indication of the nature of the contents and a statement in substantially the following form:

“This envelope, containing documents which are filed in this case by (name of Party or as appropriate, non-party), is not to be opened nor are the contents thereof to be displayed or revealed other than to the Court, the parties and their counsel of record, except by order of the Court or consent of the parties. Violation hereof may be regarded as contempt of the Court.”

In the event the motion to seal is denied, then the Party (or, as appropriate, non-party) making the filing shall take steps to replace the Redacted Filing with its corresponding unredacted version.

(d) In the event that the Party’s (or, as appropriate, non-party’s) filing includes Confidential Information produced by a Producing Party that is non-party, the Party (or, as appropriate, non-party) making the filing shall so notify the Producing Party within twenty four (24) hours after the Redacted Filing by providing the Producing Party with a copy of the Redacted Filing as well as a version of the filing with the relevant non-party’s Confidential Information unredacted.

(e) All pleadings, briefs or memoranda which reproduce, paraphrase or disclose any documents which have previously been designated by a party as comprising or containing Confidential Information shall identify such documents by the production number ascribed to them at the time of production.

14. Any person receiving Confidential Information shall not reveal or discuss such information to or with any person not entitled to receive such information under the terms

hereof and shall use reasonable measures to store and maintain the Confidential Information so as to prevent unauthorized disclosure.

15. Any document or information that may contain Confidential Information that has been inadvertently produced without identification as to its “confidential” nature as provided in paragraphs 2 and/or 11 of this Stipulation, may be so designated by the party asserting the confidentiality privilege by written notice to the undersigned counsel for the Receiving Party identifying the document or information as “confidential” within a reasonable time following the discovery that the document or information has been produced without such designation.

16. Extracts and summaries of Confidential Information shall also be treated as confidential in accordance with the provisions of this Stipulation.

17. The production or disclosure of Confidential Information shall in no way constitute a waiver of each Producing Party’s right to object to the production or disclosure of other information in this action or in any other action. Nothing in this Stipulation shall operate as an admission by any Party or non-party that any particular document or information is, or is not, confidential. Failure to challenge a Confidential Information designation shall not preclude a subsequent challenge thereto.

18. In connection with their review of electronically stored information and hard copy documents for production (the "Documents Reviewed") the Parties agree as follows:

(a) to implement and adhere to reasonable procedures to ensure Documents Reviewed that are protected from disclosure pursuant to CPLR 3101(c), 3101(d)(2) and 4503 (“Protected Information”) are identified and withheld from production.

(b) if Protected Information is inadvertently produced, the Producing Party shall take reasonable steps to correct the error, including a request to the Receiving Party for its return.

(c) upon request by the Producing Party for the return of Protected Information inadvertently produced the Receiving Party shall promptly return the Protected Information and destroy all copies thereof. Furthermore, the Receiving Party shall not challenge either the adequacy of the Producing Party's document review procedure or its efforts to rectify the error, and the Receiving Party shall not assert that its return of the inadvertently produced Protected Information has caused it to suffer prejudice.

19. This Stipulation is entered into without prejudice to the right of any Party or non-party to seek relief from, or modification of, this Stipulation or any provisions thereof by properly noticed motion to the Court or to challenge any designation of confidentiality as inappropriate under the Civil Practice Law and Rules or other applicable law.

20. This Stipulation shall continue to be binding after the conclusion of this litigation except that there shall be no restriction on documents that are used as exhibits in Court unless such exhibits were filed under seal); and (b) that a Receiving Party may seek the written permission of the Producing Party or further order of the Court with respect to dissolution or modification of the Stipulation. The provisions of this Stipulation shall, absent prior written consent of the parties, continue to be binding after the conclusion of this action.

21. Nothing herein shall be deemed to waive any privilege recognized by law, or shall be deemed an admission as to the admissibility in evidence of any facts or documents revealed in the course of disclosure.

22. Within sixty (60) days after the final termination of this litigation by settlement or exhaustion of all appeals, all Confidential Information produced or designated and all reproductions thereof shall be returned to the Producing Party or, at the Receiving Party's option, shall be destroyed. In the event that any Receiving Party chooses to destroy physical objects and documents, such Party shall certify in writing within sixty (60) days of the final termination of this litigation that it has undertaken its best efforts to destroy such physical objects and documents, and that such physical objects and documents have been destroyed to the best of its knowledge. Notwithstanding anything to the contrary, counsel of record for the Parties may retain one copy of documents constituting work product, a copy of pleadings, motion papers, discovery responses, deposition transcripts and deposition and trial exhibits. This Stipulation shall not be interpreted in a manner that would violate any applicable rules of professional conduct. Nothing in this Stipulation shall prohibit or interfere with the ability of counsel for any Receiving Party, or of experts specially retained for this case, to represent any individual, corporation or other entity adverse to any Party or non-party or their affiliate(s) in connection with any other matter.

23. If a Receiving Party is called upon to produce Confidential Information in order to comply with a court order, subpoena, or other direction by a court, administrative agency, or legislative body, the Receiving Party from which the Confidential Information is sought shall (a) give written notice by overnight mail and either email or facsimile to the counsel for the Producing Party within five (5) business days of receipt of such order, subpoena, or direction, and (b) give the Producing Party five (5) business days to object to the production of such Confidential Information, if the Producing Party so desires. Notwithstanding the foregoing, nothing in this paragraph shall be construed as requiring any party to this Stipulation to subject

itself to any penalties for noncompliance with any court order, subpoena, or other direction by a court, administrative agency, or legislative body.

24. This Stipulation may be changed by further order of this Court, and is without prejudice to the rights of a Party to move for relief from any of its provisions, or to seek or agree to different or additional protection for any particular material or information.

25. This Stipulation may be signed in counterparts, which, when fully executed, shall constitute a single original, and electronic signatures shall be deemed original signatures.

[FIRM]

[FIRM]

By: _____

By: _____

New York, New York

New York, New York

Tel: _____

Tel: _____

Attorneys for Plaintiff

Attorneys for Defendant

Dated: _____

SO ORDERED

J.S.C.

EXHIBIT "A"

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF _____

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_____	:	Index No. _____
Plaintiff,	:	AGREEMENT WITH RESPECT TO CONFIDENTIAL MATERIAL
- against -	:	
_____	:	
Defendant.	:	

----- x

I, _____, state that:

1. My address is _____.
2. My present occupation or job description is _____.
3. I have received a copy of the Stipulation for the Production and Exchange of Confidential Information (the "**Stipulation**") entered in the above-entitled action on _____.
4. I have carefully read and understand the provisions of the Stipulation.
5. I will comply with all of the provisions of the Stipulation.
6. I will hold in confidence, will not disclose to anyone not qualified under the Stipulation, and will use only for purposes of this action, any Confidential Information that is disclosed to me.
7. I will return all Confidential Information that comes into my possession, and documents or things that I have prepared relating thereto, to counsel for the party by whom I am employed or retained, or to counsel from whom I received the Confidential Information.

8. I hereby submit to the jurisdiction of this court for the purpose of enforcement of the Stipulation in this action.

Dated: _____