
NEW YORK STATE **REGISTER**

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- Training Flexibilities

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 July 31, 2022
- the 45-day period expires on July 16, 2022
- the 30-day period expires on July 1, 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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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 Corrections and Community Supervision

NOTICE OF ADOPTION

Forwarding Incarcerated Individual Mail

I.D. No. CCS-07-22-00006-A

Filing No. 351

Filing Date: 2022-05-11

Effective Date: 2022-06-01

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

Action taken: Amendment of Part 722 of Title 7 NYCRR.

Statutory authority: Corrections Law, section 70

Subject: Forwarding Incarcerated Individual Mail.

Purpose: To clarify facility mail forwarding processing procedures, and to update incarcerated individual terminology.

Text or summary was published in the February 16, 2022 issue of the Register, I.D. No. CSS-07-22-00006-P.

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

Text of rule and any required statements and analyses may be obtained from: Cathy Sheehan, Deputy Commissioner and Counsel, Department of Corrections and Community Supervision, 1220 Washington Avenue, Hariman State Campus, Albany, NY 12226-2050, (518) 457-4951, email: Rules@DOCCS.ny.gov

Revised Job Impact Statement

A job impact statement is not submitted because this proposed rule will have no adverse impact on jobs or employment opportunities. This proposal will clarify the responsibility of correctional facilities with regard to forwarding the correspondence of incarcerated individuals.

Assessment of Public Comment

The agency received no public comment.

Department of Economic Development

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Restaurant Return-To-Work Tax Credit Program

I.D. No. EDV-22-22-00003-P

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

Proposed Action: Amendment of Part 280 of Title 5 NYCRR.

Statutory authority: L. 2022, ch. 59, part KK

Subject: Restaurant Return-to-Work Tax Credit Program.

Purpose: To add the additional administrative process for the additional restaurant return-to-work tax credit.

Substance of proposed rule (Full text is posted at the following State website: www.esd.ny.gov): The regulation contained in 5 NYCRR Part 280, which governs the Restaurant Return-to-Work Tax Credit Program, is amended as follows:

The regulation now defines a new term added in statute, “certificate of additional tax credit.”

The regulation next makes clear that an application for the traditional Restaurant Return-to-Work Program is due by May 1, 2022. An application for the new additional Restaurant Return-to-Work Tax Credit is due by July 1, 2022.

The regulation next clarifies that eligibility criteria stated in the previous regulation apply to both the traditional and additional restaurant tax credit. It also adds subdivisions (d) and (e) to section 280.5 which outlines the new additional credit and how it is calculated.

Finally, the regulation adds a section allowing for an advance payment for the additional Restaurant Return-to-Work Tax Credit per statute.

Text of proposed rule and any required statements and analyses may be obtained from: Thomas Regan, Department of Economic Development, 625 Broadway, Albany, NY 12245, (518) 292-5120, email: thomas.regan@esd.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

STATUTORY AUTHORITY:

Section 1 of Subpart A of Chapter 59 of the Laws of 2021 required the Commissioner of the Department of Economic Development (the “Department”) to promulgate regulations establishing the application process and eligibility criteria for the Restaurant Return-To-Work Tax Credit Program. Part KK of Chapter 59 of the Laws of 2022 amended certain aspects of the program which, in turn, are being captured by this rulemaking.

LEGISLATIVE OBJECTIVES:

The proposed rule gives effect to the intention of the legislature to attempt to fully utilize the tax credit program it created last year to provide financial incentives to COVID-impacted restaurants to expedite their hiring efforts and reduce the duration and severity of COVID-related economic impacts.

NEEDS AND BENEFITS:

The proposed rule is necessary in order to update the administrative procedures to allow for an additional tax credit as further discussed below.

The Restaurant Return-To-Work Tax Credit Program was enacted in response to the acute, and devastating impact of the COVID-19 pandemic on the restaurant industry in New York City and in other specific areas of New York State that were subject to additional restrictions for on-premises dining for at least 30 consecutive days (defined as Orange or Red Zones), per guidance from the New York State Department of Health, pursuant to Executive Order 202.68 as amended. The program provides financial incentives to COVID-impacted restaurants to expedite their hiring efforts and reduce the duration and severity of COVID-related economic impacts.

During the initial phase of the program, the Department issued 584 tax credit certificates to eligible businesses totaling approximately \$20 million of the \$35 million cap on the program. In Phase I, there was a per business cap of \$50,000 in tax credits based on the creation of 10 jobs. This regulation amends the program to create a second phase of the program to allow businesses that created up to 20 jobs to receive up to an additional \$50,000 in tax credits. It is anticipated approximately an additional \$7 million in credits will be issued to restaurants that have created jobs in excess of the initial 10 job cap.

COSTS:

I. Costs to private regulated parties (the business applicants): None. The proposed rule will not impose any additional costs to eligible business applicants.

II. Costs to the regulating agency for the implementation and continued administration of the rule: None.

III. Costs to the State government: The fast track portion of this tax credit program will lead to certain Agency administrative costs estimated at less than \$250,000.

IV. Costs to local governments: None. The proposed rule will not impose any costs on local governments.

LOCAL GOVERNMENT MANDATES:

None. There are no local government mandates associated with this program.

PAPERWORK:

The rule amends the administrative process of a tax credit program. The rule entails certain paperwork burdens including materials to be submitted as part of applications for tax credits, additional documents the Department may request from applicants as part of its evaluation of applications, and certain records that must be maintained by program participants for auditing purposes.

DUPLICATION:

The proposed rule amends the existing tax credit program in Part 280 of 5 NYCRR. Accordingly, there is no risk of duplication in the adoption of the proposed rule.

ALTERNATIVES:

No alternatives were considered with regard to creating a new rule in response to the statutory requirement.

FEDERAL STANDARDS:

There are no federal standards applicable to this program; it is purely a state program that offers tax benefits to certain restaurants who have a demonstrated economic loss due to COVID-19. Therefore, the proposed rule does not exceed any federal standard.

COMPLIANCE SCHEDULE:

The affected agency (Department of Economic Development) and any applicants to restaurant return to work tax credit program will be able to achieve compliance with the regulation as soon as it is implemented.

Regulatory Flexibility Analysis

Participation in the Restaurant Return-To-Work Tax Credit program is entirely at the discretion of qualifying small business entities. Neither statute nor the rule impose any obligation on any local government or business entity to participate in the program. The rule does not impose any adverse economic impact or compliance requirements on small businesses or local governments. In fact, the rule may have a positive economic impact on small businesses.

Because it is evident from the nature of the rule that it will have either no impact or a positive impact on small businesses and local government, no further affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required and one has not been prepared.

Rural Area Flexibility Analysis

Under the Restaurant Return-To-Work Tax Credit Program, certain small businesses in rural areas of New York State may be eligible to apply to participate in the program entirely at their discretion. Municipalities are not eligible to participate in the Program. The rule does not impose any special reporting, record keeping or other compliance requirements on private entities in rural areas. Therefore, the rule will not have a substantial

adverse economic impact on rural areas nor on the reporting, record keeping or other compliance requirements on public or private entities in such rural areas. Accordingly, a rural area flexibility analysis is not required and one has not been prepared.

Job Impact Statement

The rule amends the administrative process for the Restaurant Return-To-Work Tax Credit Program. The Program aims to assist small businesses negatively impacted by the COVID-19 pandemic and will not have a substantial adverse impact on jobs and employment opportunities; rather, the program is intended to increase employment opportunities.

Because it is evident from the nature of the rulemaking that it will have either no impact or a positive impact on job and employment opportunities, no further affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Education Department

EMERGENCY/PROPOSED**RULE MAKING****NO HEARING(S) SCHEDULED****Incidental Teaching and Substitute Teaching Flexibilities**

I.D. No. EDU-22-22-00004-EP

Filing No. 355

Filing Date: 2022-05-17

Effective Date: 2022-05-17

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

Proposed Action: Amendment of sections 80-5.3 and 80-5.4 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 208, 305, 308, 3001, 3004 and 3009

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

Specific reasons underlying the finding of necessity: At its December 2020 meeting, the Board of Regents permanently adopted regulatory amendments to increase the amount of incidental teaching permitted in schools from up to five classroom hours a week to up to 10 classroom hours a week during the 2020-2021 school year in response to the COVID-19 pandemic.

At its October 2021 meeting, the Board of Regents permanently adopted regulatory amendments to extend this flexibility to the 2021-2022 school year. Through incidental teaching, certified teachers can teach a subject not covered by their certificate when no certified or qualified teachers are available after extensive and documented recruitment.

The Board of Regents permanently adopted regulatory amendments at its December 2020 meeting allowing a school district or BOCES to employ certain substitute teachers—those who did not hold a valid certificate and were not working towards certification, but held a high school diploma or its equivalent—to be employed for more than 40 days during the 2020-2021 school year. The regulation permitted the employment of these substitute teachers beyond this period under the following extraordinary circumstances:

- Up to an additional 50 days (90 days total in a school year) if the district superintendent or the superintendent (for school districts that are not a component district of a BOCES) certifies that the employer has conducted a good faith recruitment search for a properly certified candidate and determined that there are no available certified teachers that can perform the duties of such position; or
- Beyond the 90 days, if a district superintendent or the superintendent attests that a good faith recruitment search has been conducted, that there are still no available certified teachers who can perform the duties of such position, and that a particular substitute teacher is needed to work with a specific class or group of students until the end of the school year.

At its October 2021 meeting, the Board of Regents permanently adopted regulatory amendments to extend this flexibility to the 2021-2022 school year.

The Department now proposes to extend these flexibilities for incidental teaching and substitute teaching again to the 2022-2023 school year. This proposal enables school districts to address their continuing teacher shortages by providing them with flexibility in making teaching assignments.

Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (nonemergency) action after expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5) would be the September 2022 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the September meeting, would be September 28, 2022, the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the May 2022 meeting for the preservation of the general welfare and public health to continue allowing certified teachers to teach up to 10 classroom hours a week in a subject area not covered by their certificate and substitute teachers to work more than 40 days in a school district or BOCES in a school year under certain conditions for the 2022-2023 school year prior to September 28, 2022.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at its September meeting, which is the first scheduled meeting after expiration of the 60-day public comment period mandated by SAPA for State agency rule making. However, since the emergency action will expire before the September Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the July 2022 Regents meeting.

Subject: Incidental teaching and substitute teaching flexibilities.

Purpose: To extend flexibilities for incidental teaching and substitute teaching.

Text of emergency/proposed rule: 1. The opening paragraph of section 80-5.3 of the Regulations of the Commissioner of Education shall be amended to read as follows:

A superintendent of schools may assign a teacher to teach a subject not covered by such a teacher's certificate or license for a period not to exceed five classroom hours a week, and [due to the COVID-19 crisis] during the 2020-2021[and/or], 2021-2022, and 2022-2023 school years for a period not to exceed ten classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment, and provided that approval of the commissioner is obtained in accordance with the following requirements:

2. Subparagraph (ii) of paragraph (3) of subdivision (c) of section 80-5.4 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(ii) In extreme circumstances where there is an urgent need for a substitute teacher and the district has undertaken a good faith recruitment search for a properly certified candidate, and determined that there are no available certified teachers to perform the duties of such position, a substitute teacher, without a valid teaching certificate and who is not working towards certification, but who holds a high school diploma or its equivalent, may be employed by the school district or board of cooperative educational services beyond the 40-day limit, for up to an additional 50 days (90 days total in a school year), if the district superintendent (for districts that are a component district of a board of cooperative educational services and boards of cooperative educational services) or the superintendent (for school districts that are not a component district of a board of cooperative educational services) certifies that the district or board of cooperative educational services, as applicable, has conducted a good faith recruitment search and there are no available certified teachers that can perform the duties of such position. In rare circumstances, a district or BOCES may hire a substitute teacher beyond the 90 days, if a district superintendent or superintendent attests that a good faith recruitment search has been conducted and that there are still no available certified teachers who can perform the duties of such position and that a particular substitute teacher is needed to work with a specific class or group of students until the end of the school year. The provisions of this subparagraph shall be applicable during the 2020-2021[and], 2021-2022, and 2022-2023 school years[due to the COVID-19 crisis].

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 August 14, 2022.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: William P. Murphy, Deputy Commissioner, NYS Education Department, Office of Higher Education, 89 Washington Avenue, Room 975 EBA, Albany, NY 12234, (518) 486-3633, email: OHEREGComments@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law § 101 charges the Department with the general manage-

ment and supervision of all public schools and all of the educational work of the state.

Education Law § 207 grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

Education Law § 208 grants general rule-making authority to the Regents to confer suitable certificates, diplomas and degrees on persons who satisfactorily meet the requirements prescribed.

Education Law § 305 authorizes the Commissioner to enforce the educational policies of this State and execute all educational policies determined by the Regents and shall prescribe the licensing of teachers employed in this State.

Education Law § 3001 establishes the qualifications of teachers in the classroom.

Education Law § 3004 authorizes the Commissioner to promulgate regulations governing the certification requirements for teachers employed in public schools.

Education Law § 3009 prohibits school districts from paying the salary of an unqualified teacher.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to extend flexibilities for incidental and substitute teaching into the 2022-2023 school year to address continuing teacher shortages.

3. NEEDS AND BENEFITS:

In response to the COVID-19 pandemic and a statewide teacher shortage, the Board of Regents expanded opportunities for incidental and substitute teaching as described below. The Department now proposes to extend these flexibilities into the 2022-2023 school year.

Incidental Teaching

At its December 2020 meeting, the Board of Regents permanently adopted regulatory amendments to increase the amount of incidental teaching permitted in schools from up to five classroom hours a week to up to 10 classroom hours a week during the 2020-2021 school year in response to the COVID-19 pandemic.

At its October 2021 meeting, the Board of Regents permanently adopted regulatory amendments to extend this flexibility to the 2021-2022 school year. Through incidental teaching, certified teachers can teach a subject not covered by their certificate when no certified or qualified teachers are available after extensive and documented recruitment.

Substitute Teaching

The Board of Regents permanently adopted regulatory amendments at its December 2020 meeting allowing a school district or BOCES to employ certain substitute teachers—those who did not hold a valid certificate and were not working towards certification but held a high school diploma or its equivalent—to be employed for more than 40 days during the 2020-2021 school year. The regulation permitted the employment of these substitute teachers beyond this period under the following extraordinary circumstances:

- Up to an additional 50 days (90 days total in a school year) if the district superintendent or the superintendent (for school districts that are not a component district of a BOCES) certifies that the employer has conducted a good faith recruitment search for a properly certified candidate and determined that there are no available certified teachers that can perform the duties of such position; or
- Beyond the 90 days, if a district superintendent or the superintendent attests that a good faith recruitment search has been conducted, that there are still no available certified teachers who can perform the duties of such position, and that a particular substitute teacher is needed to work with a specific class or group of students until the end of the school year.

At its October 2021 meeting, the Board of Regents permanently adopted regulatory amendments to extend this flexibility to the 2021-2022 school year.

The Department proposes to extend these flexibilities for incidental teaching and substitute teaching to the 2022-2023 school year. This proposal enables school districts to address their continuing teacher shortages by providing them with flexibility in making teaching assignments.

4. COSTS:

- a. Costs to State government: The amendments do not impose any costs on State government, including the State Education Department.
- b. Costs to local government: The amendments do not impose any costs on local government.
- c. Costs to private regulated parties: The amendments do not impose any costs on private regulated parties.
- d. Costs to regulating agency for implementation and continued administration: See above.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment merely extends flexibilities for incidental and substitute teaching into the 2022-2023 school year to address continuing teacher shortages. Thus, the proposed amendment does not impose any additional program, service, duty or responsibility upon any local government.

6. PAPERWORK:

The proposed amendments do not impose any additional paperwork requirements.

7. DUPLICATION:

The proposed amendments do not duplicate existing State or Federal requirements.

8. ALTERNATIVES:

The proposed amendment is necessary to extend flexibilities for incidental and substitute teaching into the 2022-2023 school year to address continuing teacher shortages. Therefore, no alternatives were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendments will be presented to the Board of Regents for adoption at its September 2022 meeting. If adopted at the September 2022 meeting, the proposed amendments will become effective on September 28, 2022.

Regulatory Flexibility Analysis

The purpose of the proposed amendment of sections 80-5.3 and 80-5.4 of the Regulations of the Commissioner of Education is to extend flexibilities for incidental and substitute teaching into the 2022-2023 school year to address continuing teacher shortages.

Incidental Teaching

At its December 2020 meeting, the Board of Regents permanently adopted regulatory amendments to increase the amount of incidental teaching permitted in schools from up to five classroom hours a week to up to 10 classroom hours a week during the 2020-2021 school year in response to the COVID-19 pandemic.

At its October 2021 meeting, the Board of Regents permanently adopted regulatory amendments to extend this flexibility to the 2021-2022 school year. Through incidental teaching, certified teachers can teach a subject not covered by their certificate when no certified or qualified teachers are available after extensive and documented recruitment.

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- Up to an additional 50 days (90 days total in a school year) if the district superintendent or the superintendent (for school districts that are not a component district of a BOCES) certifies that the employer has conducted a good faith recruitment search for a properly certified candidate and determined that there are no available certified teachers that can perform the duties of such position; or
- Beyond the 90 days, if a district superintendent or the superintendent attests that a good faith recruitment search has been conducted, that there are still no available certified teachers who can perform the duties of such position, and that a particular substitute teacher is needed to work with a specific class or group of students until the end of the school year.

At its October 2021 meeting, the Board of Regents permanently adopted regulatory amendments to extend this flexibility to the 2021-2022 school year.

The Department now proposes to extend these flexibilities for incidental teaching and substitute teaching again to the 2022-2023 school year. This proposal enables school districts to address their continuing teacher shortages by providing them with flexibility in making teaching assignments.

The amendments do not impose any new recordkeeping or other compliance requirements and will not have an adverse economic impact on small businesses or local governments. Because it is evident from the nature of the proposed amendments that they will not affect small businesses or local governments, no further steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

Rural Area Flexibility Analysis

The purpose of the proposed amendment of sections 80-5.3 and 80-5.4 of the Regulations of the Commissioner of Education is to extend flexibilities for incidental and substitute teaching into the 2022-2023 school year to address continuing teacher shortages.

Incidental Teaching

At its December 2020 meeting, the Board of Regents permanently adopted regulatory amendments to increase the amount of incidental teaching permitted in schools from up to five classroom hours a week to up to 10 classroom hours a week during the 2020-2021 school year in response to the COVID-19 pandemic.

At its October 2021 meeting, the Board of Regents permanently adopted regulatory amendments to extend this flexibility to the 2021-2022 school year. Through incidental teaching, certified teachers can teach a subject not covered by their certificate when no certified or qualified teachers are available after extensive and documented recruitment.

Substitute Teaching

The Board of Regents permanently adopted regulatory amendments at its December 2020 meeting allowing a school district or BOCES to employ certain substitute teachers—those who did not hold a valid certificate and were not working towards certification but held a high school diploma or its equivalent—to be employed for more than 40 days during the 2020-2021 school year. The regulation permitted the employment of these substitute teachers beyond this period under the following extraordinary circumstances:

- Up to an additional 50 days (90 days total in a school year) if the district superintendent or the superintendent (for school districts that are not a component district of a BOCES) certifies that the employer has conducted a good faith recruitment search for a properly certified candidate and determined that there are no available certified teachers that can perform the duties of such position; or
- Beyond the 90 days, if a district superintendent or the superintendent attests that a good faith recruitment search has been conducted, that there are still no available certified teachers who can perform the duties of such position, and that a particular substitute teacher is needed to work with a specific class or group of students until the end of the school year.

At its October 2021 meeting, the Board of Regents permanently adopted regulatory amendments to extend this flexibility to the 2021-2022 school year.

The Department now proposes to extend these flexibilities for incidental teaching and substitute teaching again to the 2022-2023 school year. This proposal enables school districts to address their continuing teacher shortages by providing them with flexibility in making teaching assignments.

The amendments do not impose any new recordkeeping or other compliance requirements and will not have an adverse economic impact on entities in rural areas. Because it is evident from the nature of the proposed amendments that they will not affect entities in rural areas, no further steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

Job Impact Statement

The purpose of the proposed amendment of sections 80-5.3 and 80-5.4 of the Regulations of the Commissioner of Education is to extend flexibilities for incidental and substitute teaching into the 2022-2023 school year to address continuing teacher shortages.

Incidental Teaching

At its December 2020 meeting, the Board of Regents permanently adopted regulatory amendments to increase the amount of incidental teaching permitted in schools from up to five classroom hours a week to up to 10 classroom hours a week during the 2020-2021 school year in response to the COVID-19 pandemic.

At its October 2021 meeting, the Board of Regents permanently adopted regulatory amendments to extend this flexibility to the 2021-2022 school year. Through incidental teaching, certified teachers can teach a subject not covered by their certificate when no certified or qualified teachers are available after extensive and documented recruitment.

Substitute Teaching

The Board of Regents permanently adopted regulatory amendments at its December 2020 meeting allowing a school district or BOCES to employ certain substitute teachers—those who did not hold a valid certificate and were not working towards certification, but held a high school diploma or its equivalent—to be employed for more than 40 days during the 2020-2021 school year. The regulation permitted the employment of these substitute teachers beyond this period under the following extraordinary circumstances:

- Up to an additional 50 days (90 days total in a school year) if the district superintendent or the superintendent (for school districts that are not a component district of a BOCES) certifies that the employer has conducted a good faith recruitment search for a properly certified candidate and determined that there are no available certified teachers that can perform the duties of such position; or
- Beyond the 90 days, if a district superintendent or the superintendent attests that a good faith recruitment search has been conducted, that there are still no available certified teachers who can perform the duties of such position, and that a particular substitute teacher is needed to work with a specific class or group of students until the end of the school year.

At its October 2021 meeting, the Board of Regents permanently adopted regulatory amendments to extend this flexibility to the 2021-2022 school year.

The Department now proposes to extend these flexibilities for incidental teaching and substitute teaching again to the 2022-2023 school year. This

proposal enables school districts to address their continuing teacher shortages by providing them with flexibility in making teaching assignments.

Because it is evident from the nature of the proposed amendments that they will have no impact on the existing number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken.

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Special Appeal to Earn Diplomas with a Lower Score on a Regents Examination in the 2021-22 or 2022-23 School Years

I.D. No. EDU-22-22-00010-EP

Filing No. 358

Filing Date: 2022-05-17

Effective Date: 2022-05-17

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

Proposed Action: Amendment of section 100.5(d)(7) of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 208, 209, 305, 309 and 3204

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

Specific reasons underlying the finding of necessity: The COVID-19 pandemic has resulted in the limited administration of Regents examinations since spring 2020. In response, the Department has adopted regulatory amendments exempting students from the diploma, credential, and endorsement requirements related to the passing of such examinations.

In March 2022, the Department determined that Regents examinations could be administered safely and equitably across the State in June and August 2022. The Department believes it is important for schools and districts to offer these exams as one of multiple measures of student achievement in the 2021-2022 school year. Assessing our students at the state level provides a valuable opportunity to determine the extent to which individual students are achieving the New York State learning standards and informs steps the Department can take to foster equity to improve the educational opportunities for every student in New York.

While the Department supports administration of the Regents examinations, students continue to be impacted by the COVID-19 pandemic during the 2021-2022 school year. To reduce the potential impact of the Regents Examinations on a student's ability to earn a diploma, the Department now proposes amendments to section 100.5(d)(7) of the Commissioner's regulations to provide a temporary expansion of the process to file an appeal and graduate with a lower score on a Regents examination taken in the 2021-2022 or 2022-2023 school years provided certain criteria are met.

The proposed amendment to section 100.5(d)(7) of the Commissioner's regulations provides that students who have passed a course of study leading to a Regents examination and who have scored a 50-64 during the June 2022, August 2022, January, June or August 2023 examination administration periods may file a special appeal to apply such scores as passing scores toward a diploma. In order to be eligible to appeal, a student must have: (1) taken the Regents examination during the June 2022, August 2022, January 2023, June 2023 or August 2023 test administration periods; (2) earned a score of 50-64 on the Regents examination that is the subject of the appeal; and (3) attained a course average in the corresponding course of such Regents examination that meets or exceeds the required passing grade by the school and is recorded on the student's official transcript with grades achieved by the student in each quarter of the school year.

A student does not have to take advantage of academic assistance provided by the school in the subject tested by the Regents examination, or take the examination a second time, to be eligible. Superintendents may consider the recommendations of a local school standing committee, a recommendation from the student's teacher, or any other evidence presented or collected related to the student's attainment of the learning standards for the course that corresponds to the Regents examination. Appeals granted could be applied toward a Local, Regents, or Regents with Advanced designation diploma earned in any subsequent year. An unemancipated student's parent or person in parental relation may refuse an appeal granted to their child if the parent wishes the student to remain in school and receive additional instruction. Such appeal may be considered again at any time before the student graduates. The outcome of an such appeal may then be appealed to the Commissioner of Education pursuant to Education Law § 310.

Additionally, the proposal amends the current requirements for appeals under section 100.5(d)(7) to remove the requirement that a student must be recommended for an exemption to the passing score on the required Regents examination by his or her teacher or department chairperson in the subject area of the examination.

Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (nonemergency) action after expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5) would be the September 2022 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the September meeting, would be September 28, 2022, the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the May 2022 meeting for the preservation of the general welfare to immediately provide regulatory flexibility so that students can meet the diploma requirements related to the passing of Regents Examinations administered during the 2021-2022 and 2022-2023 school years.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at the September 2022 meeting, which is the first scheduled meeting after expiration of the 60-day public comment period mandated by SAPA for state agency rule making. However, since the emergency action will expire before the September 2022 Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the July 2022 Regents meeting.

Subject: Special appeal to earn diplomas with a lower score on a Regents examination in the 2021-22 or 2022-23 school years.

Purpose: To permit students to appeal a lower score on a Regents examination in the 2021-22 or 2022-23 school years to earn diplomas.

Text of emergency/proposed rule: 1. Paragraph (7) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(7) Appeals process on Regents examinations passing score to meet Regents diploma requirements.

(i) School districts shall provide unlimited opportunities for all students to retake required Regents examinations to improve their scores.

(a) A student who first enters grade nine in September 2005 or thereafter and who fails, after at least two attempts, to attain a score of 65 or above on a required Regents examination for graduation shall be given an opportunity to appeal such score in accordance with the provisions of this paragraph, provided that no student may appeal his or her score on more than two of the five required Regents examinations and provided further that the student:

(1) has scored within five points of the 65 passing score on the required Regents examination under appeal and has attained at least a 65 course average in the subject area of the Regents examination under appeal;

(2) provides evidence that he or she has received academic intervention services by the school in the subject area of the Regents examination under appeal; and

(3) has attained a course average in the subject area of the Regents examination under appeal that meets or exceeds the required passing grade by the school and is recorded on the student's official transcript with grades achieved by the student in each quarter of the school year; and

(4) is recommended for an exemption to the passing score on the required Regents examination under appeal by his or her teacher or department chairperson in the subject area of such examination].

(b) A student who first enters school in the United States (the 50 States and the District of Columbia) in grade 9, 10, 11 or 12 and is otherwise eligible to graduate in January 2015 or thereafter, is identified as an English language learner pursuant to Part 154 of this Title, and fails, after at least two attempts, to attain a score of 65 or above on the required Regents examination in English language arts for graduation, shall be given an opportunity to appeal such score in accordance with the provisions of this paragraph, provided that no such student may appeal his or her score on more than two of the five required Regents examinations and provided further that the student:

(1) has scored between 55-59 on the required Regents examination in English language arts under appeal;

(2) provides evidence that he or she has received academic intervention services by the school in English language arts; and

(3) has attained a course average in English language arts that meets or exceeds the required passing grade by the school and is recorded on the student's official transcript with grades achieved by the student in each quarter of the school year; and

(4) is recommended for an exemption to the passing score on the required Regents examination in English language arts by his or her teacher or department chairperson in English language arts].

(c) A student who is otherwise eligible to graduate in January 2016 or thereafter, is identified as a student with a disability as defined in section 200.1(zz) of this Title, and fails, after at least two attempts, to attain a score of 55 or above on up to two of the required Regents examinations for graduation shall be given an opportunity to appeal such score in accordance with the provisions of this paragraph for purposes of graduation with a local diploma, provided that the student:

(1) has scored within three points of a score of 55 on the required Regents examination under appeal and has attained at least a 65 course average in the subject area of the Regents examination under appeal; and

(2) has met the criteria specified in subclauses [(a)(2)-(4)] (a)(2)-(3) of this subparagraph.

(d) *In considering appeals pursuant to clause (a)-(c) of this subparagraph, superintendents may consider the recommendations of the standing committee, a recommendation from the student's teacher or any other evidence presented or collected related to the student's attainment of the learning standards for the corresponding course of such Regents Exam.*

(ii) ...

(iii) ...

(iv) ...

(v) Diplomas.

(a) ...

(b) ...

(c) ...

(d) ...

(vi) Each school shall keep a record of all appeals received and granted and report this information to the State Education Department on a form prescribed by the commissioner. All school records relating to appeals of scores on required Regents examinations shall be made available for inspection by the State Education Department.

(vii) *Special appeal to earn a diploma with a lower score on a Regents Examination taken in the 2021-2022 or 2022-2023 school year.*

(a) *Any student who meets the following eligibility conditions may appeal to earn a diploma with a lower score on a Regents Exam provided that the student has:*

(1) *taken the Regents examination during the June 2022, August 2022, January 2023, June 2023 or August 2023 test administration periods;*

(2) *earned a score of 50-64 on the Regents examination that is the subject of the appeal; and*

(3) *attained a course average in the corresponding course of such Regents examination that meets or exceeds the required passing grade by the school and is recorded on the student's official transcript with grades achieved by the student in each quarter of the school year.*

(b) *A student need only take the Regents examination under appeal one time during the specific administrations listed above to be eligible to appeal pursuant to this subparagraph.*

(c) *A student does not need to take advantage of academic assistance provided by the school in the subject tested by the Regents examination under appeal to be eligible to appeal pursuant to this subparagraph.*

(d) *Such special appeals may be applied towards a local, Regents or Regents with Advanced Designation diploma.*

(e) *Special appeals granted pursuant to this subparagraph for lower scores earned during these specific administrations shall not count towards the maximum number of appeals that can be applied to a local, Regents, or Regents with Advanced Designation diploma.*

(f) *In considering such special appeals, superintendents may consider the recommendations of the standing committee, a recommendation from the student's teacher or any other evidence presented or collected related to the student's attainment of the learning standards for the corresponding course of such Regents examination.*

(g) *A student's parent or person in parental relation may refuse an appeal granted to the student pursuant to this subparagraph if the parent wishes the student to remain in school and receive additional instruction. Such appeal may be considered again at any time before the student graduates.*

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 August 14, 2022.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: Marybeth Casey, Assistant Commissioner, NYS Education Department, Office of Curriculum & Instruction, 89 Washington Avenue, Room 2M, Albany, NY 12234, (518) 474-0059, email: REGCOMMENTS@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Section 101 of the Education Law continues the existence of the Education Department, with the Board of Regents as its head, and authorizes the Regents to appoint the Commissioner as chief administrative officer of the Department, which is charged with the general management and supervision of public schools and the educational work of the State.

Section 207 of the Education Law grants general rule making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 208 grants general rule-making authority to the Regents to confer suitable certificates, diplomas and degrees on persons who satisfactorily meet the requirements prescribed.

Section 209 provides that the Regents shall establish, in secondary institutions, examinations in studies furnishing a suitable standard of graduation therefrom and of admission to colleges, and certificates or diplomas shall be conferred by the Regents to students who satisfactorily pass such examinations.

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

Section 309 provides that the schools of every union free school district and of every city in all their departments are subject to the visitation of the commissioner and charges the commissioner with the general supervision of their board of education and their management and conduct of all departments of instruction.

Section 3204 of the Education Law provides that minors required to attend upon instruction pursuant to the Compulsory Education Law may attend at a public school or elsewhere and sets forth the requirements of such instruction.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to implement Regents' policy to respond to the impact of the COVID-19 pandemic on students by providing a temporary expansion of the process to file an appeal and graduate with a lower score on a Regents examination taken in the 2021-2022 or 2022-2023 school years, provided certain criteria are met.

3. NEEDS AND BENEFITS:

The COVID-19 pandemic has resulted in the limited administration of Regents examinations since spring 2020. In response, the Department has adopted regulatory amendments exempting students from the diploma, credential, and endorsement requirements related to the passing of such examinations.

In March 2022, the Department determined that Regents examinations can be administered safely and equitably across the State in June and August 2022. The Department believes it is important for schools and districts to offer these exams as one of multiple measures of student achievement in the 2021-2022 school year. Assessing our students at the State level provides a valuable opportunity to determine the extent to which individual students are achieving the NYS learning standards and informs steps the Department can take to foster equity and improve educational opportunities for every student in New York.

While the Department supports the administration of the Regents examinations in June and August of 2022, it recognizes that the COVID-19 pandemic continued to have adverse impacts on students and schools during the 2021-2022 school year. Conditions for teaching and learning have varied significantly across the State depending upon how the pandemic has affected individual communities, schools, families, and students.

To reduce the impact of these varied conditions on students and facilitate decision making about the effects of the pandemic at the school district level, the Department now proposes amendments to section 100.5(d)(7) of the Commissioner's regulations to provide a temporary expansion of the process to file an appeal and graduate with a lower score on a Regents examination taken in the 2021-2022 or 2022-2023 school years, provided certain criteria are met.

The proposed amendment to section 100.5(d)(7) of the Commissioner's regulations provides that students who have passed a course of study leading to a Regents examination and who have scored a 50-64 during the June 2022, August 2022, January 2023, June 2023, or August 2023 examination administration periods may file a special appeal to apply such scores as passing scores toward a diploma. In order to be eligible to appeal, a student must have: (1) taken the Regents examination during the June 2022, August 2022, January 2023, June 2023, or August 2023 test administration periods; (2) earned a score of 50-64 on the Regents examination that is the subject of the appeal; and (3) attained a course average in the corresponding course of such Regents examination that meets or

exceeds the required passing grade by the school and is recorded on the student's official transcript with grades achieved by the student in each quarter of the school year.

A student does not have to take advantage of academic assistance provided by the school in the subject tested by the Regents examination, or take the examination a second time, to be eligible. Superintendents may consider the recommendations of a local school standing committee, a recommendation from the student's teacher, or any other evidence presented or collected related to the student's attainment of the learning standards for the course that corresponds to the Regents examination. Appeals granted could be applied toward a Local, Regents, or Regents with an Advanced designation diploma earned in any subsequent year. A student's parent or person in parental relation may refuse an appeal granted to their child if the parent wishes the student to remain in school and receive additional instruction. Such appeal may be considered again at any time before the student graduates. The outcome of an such appeal may then be appealed to the Commissioner of Education pursuant to Education Law § 310.

Additionally, the proposal amends the current requirements for appeals under section 100.5(d)(7) to remove the requirement that a student must be recommended for an exemption to the passing score on the required Regents examination by his or her teacher or department chairperson in the subject area of the examination.

4. COSTS:

(a) Costs to State government: There are no additional costs to State government.

(b) Costs to local government: The proposed amendment does not impose any additional costs on local governments.

(c) Cost to private regulated parties: The proposed amendment does not impose any additional costs on regulated parties.

(d) Cost to the regulatory agency: The proposed amendment will not impose any additional costs on the Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment requires school districts to provide students a temporary expansion of the process to file an appeal and graduate with a lower score on a Regents examination taken in the 2021-2022 or 2022-2023 school years, provided certain criteria are met.

6. PAPERWORK:

School districts are currently required to keep a record of all appeals received and granted and report this information to the State Education Department on a form prescribed by the commissioner. This provision applies to this temporary special appeal added by the proposed amendment as well.

7. DUPLICATION:

The proposed amendment does not duplicate any other existing State or Federal requirements.

8. ALTERNATIVES:

The proposed rule is necessary to implement Regents' policy to respond to the impact of the COVID-19 pandemic on students by providing a temporary expansion of the process to file an appeal and graduate with a lower score on a Regents examination taken in the 2021-2022 or 2022-2023 school years, provided certain criteria are met. Therefore, no significant alternatives were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

The proposed amendment will take effect as an emergency rule on May 17, 2022. It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the September 2022 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the September 2022 meeting, the proposed amendment will become effective as a permanent rule on September 28, 2022. It is anticipated that regulated parties will be able to comply with the proposed amendment by the effective date.

Regulatory Flexibility Analysis

(a) Small businesses:

The proposed amendment is necessary to implement Regents' policy to respond to the impact of the COVID-19 pandemic on students by providing a temporary expansion of the process to file an appeal and graduate with a lower score on a Regents examination taken in the 2021-2022 or 2022-2023 school years, provided certain criteria are met. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(b) Local governments:

1. EFFECT OF RULE:

The rule applies to each of the 673 public school districts in the State.

2. COMPLIANCE REQUIREMENTS:

The proposed amendment requires school districts to provide students a temporary expansion of the process to file an appeal and graduate with a

lower score on a Regents examination taken in the 2021-2022 or 2022-2023 school years, provided certain criteria are met.

3. PROFESSIONAL SERVICES:

The proposed rule does not impose any additional professional services requirements on local governments.

4. COMPLIANCE COSTS:

The proposed amendment does not impose and additional costs on local governments.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any technological requirements on local governments.

6. MINIMIZING ADVERSE IMPACT:

The proposed rule is necessary to implement Regents' policy to respond to the impact of the COVID-19 pandemic on students by providing a temporary expansion of the process to file an appeal and graduate with a lower score on a Regents examination taken in the 2021-2022 or 2022-2023 school years, provided certain criteria are met. There were no significant alternatives considered.

7. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State, from the chief school officers of the five big city school districts.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed rule applies to all school districts in the State, including those located in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

2. REPORTING, RECORDKEEPING, AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

The proposed amendment requires school districts to provide students a temporary expansion of the process to file an appeal and graduate with a lower score on a Regents examination taken in the 2021-2022 or 2022-2023 school years, provided certain criteria are met.

School districts are currently required to keep a record of all appeals received and granted and report this information to the State Education Department on a form prescribed by the commissioner. This provision applies to this temporary special appeal added by the proposed amendment as well.

3. COSTS:

The proposed amendment does not impose and additional costs on regulated parties, including those located in rural areas.

4. MINIMIZING ADVERSE IMPACT:

The proposed rule is necessary to implement Regents' policy to respond to the impact of the COVID-19 pandemic on students by providing a temporary expansion of the process to file an appeal and graduate with a lower score on a Regents examination taken in the 2021-2022 or 2022-2023 school years, provided certain criteria are met. Because the purpose of the proposed amendment is to ensure that all students have access to such appeal, no alternatives were considered for school districts located in rural areas.

5. RURAL AREA PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State, from the chief school officers of the five big city school districts, including those in rural areas.

Job Impact Statement

The purpose of the proposed rule is to implement Regents' policy to implement Regents' policy to respond to the impact of the COVID-19 pandemic on students by providing a temporary expansion of the process to file an appeal and graduate with a lower score on a Regents examination taken in the 2021-2022 or 2022-2023 school years, provided certain criteria are met. Because it is evident from the nature of the proposed rule that it will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

NOTICE OF ADOPTION

Cancellation of January 2022 Administration of Regents Examinations

I.D. No. EDU-04-22-00008-A

Filing No. 356

Filing Date: 2022-05-17

Effective Date: 2022-06-01

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

Action taken: Amendment of section 100.5(a) of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 208, 305, 3204 and 3205

Subject: Cancellation of January 2022 administration of Regents Examinations.

Purpose: To provide regulatory flexibility in response to the cancellation of the January 2022 Regents examination administration.

Text or summary was published in the January 26, 2022 issue of the Register, I.D. No. EDU-04-22-00008-EP.

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

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.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.

NOTICE OF ADOPTION

Administration of Immunizations by Pharmacists

I.D. No. EDU-04-22-00009-A

Filing No. 357

Filing Date: 2022-05-17

Effective Date: 2022-06-01

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

Action taken: Amendment of section 63.9 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6507, 6527, 6801, 6802, 6909; L. 2021, ch. 555

Subject: Administration of Immunizations by Pharmacists.

Purpose: To conform the Commissioner's regulation to chapter 555 of the Laws of 2021 authorizing pharmacists to administer certain immunizations.

Text or summary was published in the January 26, 2022 issue of the Register, I.D. No. EDU-04-22-00009-EP.

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

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.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.

NOTICE OF ADOPTION

Assessment requirements for school district leader (SDL) and school district business leader (SDBL) program completion, the institutional recommendation for Professional SDL and SDBL Certification, and the institutional recommendation Transitional D Certification

I.D. No. EDU-04-22-00010-A

Filing No. 359

Filing Date: 2022-05-17

Effective Date: 2022-06-01

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

Action taken: Amendment of section 52.21 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 208, 305, 308, 3001, 3004 and 3009

Subject: Assessment requirements for school district leader (SDL) and

school district business leader (SDBL) program completion, the institutional recommendation for Professional SDL and SDBL certification, and the institutional recommendation Transitional D certification.

Purpose: To remove the requirement that SDL and SDBL candidates pass the SDL and SDBL assessment, respectively, for program completion and the institutional recommendation for Professional certification and to remove the requirement that Transitional D candidates pass the SDL assessment for the institutional recommendation for Transitional D certification.

Text or summary was published in the January 26, 2022 issue of the Register, I.D. No. EDU-04-22-00010-EP.

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

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.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

Since publication of the Notice of Proposed Rule Making in the State Register on January 26, 2022, the State Education Department (Department) received the following comments on the proposed amendment:

1. COMMENT: Two commenters support the proposed amendment. One commenter noted that the school district leader (SDL) and school district business leader (SDBL) programs are currently the only content areas that require the successful completion of State-required exams for the award of the degree, which prevents candidates from receiving their degree when they have completed all university-controlled elements. As many institutions have a statute of limitations related to time to degree, the exam requirement forces candidates to take exams that have time and financial implications, or they risk being closed from their program. Additionally, not all SDL/SDBL candidates wish to seek certification in New York; some candidates may plan on leaving the state or are completing the program to gain the knowledge and skills offered.

The other commenter explained that the certification exams are extraneous to their school and district leader preparation programs. They noted that there is nothing in the exams that provides any richer information on each candidate's leadership acumen than the copious assessments of practice and theory that they conduct in their programs. These programs were all vetted by the Department, and thus meet their standards as well as the standards of the institution's accreditors without examination results. Removing any impediments to the efficient movement from teacher leader to school and district leader seems to be the best way to help local superintendents recruit and retain promising leadership for our schools.

DEPARTMENT RESPONSE: The comments are supportive of the proposed rule; therefore, no changes to the proposed rule are necessary.

2. COMMENT: Commenter is appreciative of the changes made to the requirements for teachers and administrators. They possess a School Building Leader certificate and were on track to complete their SDL certificate, but had to stop because of the graduate credit requirement. The commenter states that this requirement would essentially take an additional master's degree in credits, which is costly. Since they have been engaged in district-level work at a charter school and have been an administrator for over a decade, they believe that their years of experience should trump credits.

DEPARTMENT RESPONSE: The comment is beyond the scope of the proposed rule; therefore, no changes to the proposed rule are necessary.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Business and Marketing Content Specialty Test Safety Net

I.D. No. EDU-22-22-00005-P

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

Proposed Action: Amendment of section 80-1.5 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 208, 305, 308, 3001, 3004 and 3009

Subject: Business and Marketing Content Specialty Test Safety Net.

Purpose: To create a safety net for the business and marketing content specialty test.

Text of proposed rule: 1. Paragraph (2) of subdivision (c) of section 80-

1.5 of the Regulations of the Commissioner of Education by adding a new paragraph (viii) to read as follows:

(viii) When the revised business and marketing content specialty test becomes available, a candidate may take either the revised content specialty test or the predecessor content specialty test in business and marketing, for one year after the revised business and marketing content specialty test becomes operational.

Text of proposed rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: William P. Murphy, Deputy Commissioner, NYS Education Department, Office of Higher Education, 89 Washington Avenue, Room 975 EBA, Albany, NY 12234, (518) 486-3633, email: OHEREGComments@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law 101 charges the Department with the general management and supervision of all public schools and all of the educational work of the state.

Education Law 207 grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

Education Law 208 grants general rule-making authority to the Regents to confer suitable certificates, diplomas and degrees on persons who satisfactorily meet the requirements prescribed.

Education Law 305 authorizes the Commissioner to enforce the educational policies of this State and execute all educational policies determined by the Regents and shall prescribe the licensing of teachers employed in this State.

Education Law 3001 establishes the qualifications of teachers in the classroom.

Education Law 3004 authorizes the Commissioner to promulgate regulations governing the certification requirements for teachers employed in public schools.

Education Law 3009 prohibits school districts from paying the salary of an unqualified teacher.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment of section 80-1.5 of the Regulations of the Commissioner of Education is consistent with the above statutory authority and is necessary to the create a safety net for the Business and Marketing Content Specialty Test.

3. NEEDS AND BENEFITS:

One of the teaching certificate titles is Business and Marketing (8 NYCRR 80-3.2[e][2][xli]). In response to feedback from candidates and faculty in business and marketing teacher preparation programs, the Department decided to revise the Business and Marketing Content Specialty Test (CST) in 2019. The Business and Marketing test framework was updated to reflect the current knowledge, skills, and abilities that teacher candidates in business and marketing need to possess. The revised test will continue to be aligned to the New York State Learning Standards for Career Development and Occupational Studies (CDOS) Standard 3b: Career Clusters - Business/Information Systems.

It is anticipated that the revised Business and Marketing CST will become operational in fall 2022. The test framework and study guide for the revised CST are currently available online for candidates and teacher preparation programs to assist in preparing for the revised test.

The Department proposes to create a safety net for the Business and Marketing CST such that the predecessor test continues to be available for one year as the candidates and teacher preparation programs become familiar with and transition to the test framework of the revised test. Thus, when the revised CST becomes available, candidates would be allowed to take either the revised CST or the predecessor CST in Business and Marketing for one year after the revised test becomes operational.

4. COSTS:

a. Costs to State government: The amendment does not impose any costs on State government, including the State Education Department.

b. Costs to local government: The amendment does not impose any costs on local government.

c. Costs to private regulated parties: The amendment does not impose any costs on private regulated parties.

d. Costs to regulating agency for implementation and continued administration: See above.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any additional program, service, duty or responsibility upon any local government.

6. PAPERWORK:

The proposed amendment does not impose any additional paperwork requirements.

7. DUPLICATION:

The proposed amendment does not duplicate existing State or Federal requirements.

8. ALTERNATIVES:

The proposed amendment is necessary to create a safety net for the Business and Marketing Content Specialty Test. Therefore, no alternatives were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

A Notice of Proposed Rule Making will be published in the State Register on June 1, 2022. Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its September 2022 meeting. If adopted at the September 2022 meeting, the proposed amendment will become effective on September 28, 2022.

Regulatory Flexibility Analysis

The purpose of the proposed amendment of section 80-1.5 of the Regulations of the Commissioner of Education is to create a safety net for the Business and Marketing Content Specialty Test (CST) such that the predecessor test continues to be available for one year as the candidates and teacher preparation programs become familiar with and transition to the test framework of the revised test. Thus, when the revised CST becomes available, candidates would be allowed to take either the revised CST or the predecessor CST in Business and Marketing for one year after the revised test becomes operational.

The amendment does not impose any new recordkeeping or other compliance requirements and will not have an adverse economic impact on small businesses or local governments. Because it is evident from the nature of the proposed amendment that it will not affect small businesses or local governments, no further steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed amendment applies to business and marketing teacher preparation programs and candidates for Business and Marketing certification, including those located in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

2. REPORTING, RECORDKEEPING, AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

The purpose of the proposed amendment of section 80-1.5 of the Regulations of the Commissioner of Education is to create a safety net for the Business and Marketing Content Specialty Test (CST) such that the predecessor test continues to be available for one year as the candidates and teacher preparation programs become familiar with and transition to the test framework of the revised test. Thus, when the revised CST becomes available, candidates would be allowed to take either the revised CST or the predecessor CST in Business and Marketing for one year after the revised test becomes operational. The proposed amendment does not impose any reporting, record keeping, or other compliance requirements or professional service on business and marketing teacher preparation programs or candidates for Business and Marketing certification, including those located in rural areas.

3. COSTS:

The proposed amendment merely provides a safety net for the Business and Marketing CST. It does not impose any costs on teacher preparation programs or candidates for Business and Marketing certification, including those located in rural areas.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment merely provides a safety net for the Business and Marketing CST. It will not have an adverse impact on business and marketing teacher preparation programs or candidates for Business and Marketing certification, including those located in rural areas.

5. RURAL AREA PARTICIPATION:

A Copy of the proposed amendment has been provided to the New York Association of Colleges for Teacher Education, which has members located in rural areas, for review and comment.

Job Impact Statement

The purpose of the proposed amendment of section 80-1.5 of the Regulations of the Commissioner of Education is to create a safety net for the Business and Marketing Content Specialty Test (CST) such that the predecessor test continues to be available for one year as teacher candidates in business and marketing and business and marketing teacher preparation

programs become familiar with and transition to the test framework of the revised test. Thus, when the revised CST becomes available, candidates would be allowed to take either the revised CST or the predecessor CST in Business and Marketing for one year after the revised test becomes operational.

Because it is evident from the nature of the proposed amendment that it will have no impact on the existing number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Education, Examination, and Experience Requirements for Licensure in the Profession of Public Accountancy

I.D. No. EDU-22-22-00006-P

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

Proposed Action: Amendment of sections 52.13, 70.2, 70.3 and 70.4 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6507, 7401 and 7404

Subject: Education, examination, and experience requirements for licensure in the profession of public accountancy.

Purpose: To modernize the education, experience and examination standards for CPAs.

Text of proposed rule: 1. Subdivision (b) of section 52.13 of the Regulations of the Commissioner of Education is amended, and a new subdivision (c) is added to read as follows:

(b)(1) Definitions. As used in this subdivision:

(i) [Professional] *On or before August 1, 2027, professional accountancy content area shall mean curricular content in professional accountancy that includes but is not limited to each of the subjects identified in clauses (a) through (d) of this subparagraph and may also include but need not be limited to the subjects identified in clauses (e) through (g) of this subparagraph:*

- (a) financial accounting and reporting;
- (b) cost or managerial accounting;
- (c) taxation;
- (d) auditing and attestation services;
- (e) fraud examination;
- (f) internal controls and risk assessment; and
- (g) accounting information systems.

(ii) [General] *Prior to August 1, 2027, general business content area shall mean curricular content relating to the development of knowledge in traditional business principles and technical skills. Curricular content in general business may but is not limited to each of the following subjects:*

- (a) business statistics;
- (b) business law;
- (c) computer science;
- (d) economics;
- (e) finance;
- (f) management;
- (g) marketing;
- (h) operations management;
- (i) organizational behavior;
- (j) business strategy;
- (k) quantitative methods; and
- (l) information technology and systems.

(2) Curriculum. *On or after August 1, 2004, in addition to meeting all applicable provisions of this Part, to be registered as a program recognized as leading to licensure in public accountancy which meets the requirements in section [70.1] 70.2 of this Title, such program shall be a baccalaureate or higher program that, by requisites or prerequisites, shall ensure completion of at least 150 semester hours or its equivalent, including a minimum of 33 semester hours or its equivalent in the professional accounting content area and a minimum of 36 semester hours or its equivalent in the general business content area. Such curriculum shall include the study of business and accounting communications, ethics and professional responsibility, and accounting research, either by integration into the coursework of other courses or in separate courses.*

(c) (1) Definitions. *As used in this subdivision:*

(i) *On or after August 1, 2027, professional accountancy content area shall mean curricular content in professional accountancy that includes but is not limited to each of the subjects identified in clauses (a)*

through (e) of this subparagraph and may also include but need not be limited to the subjects identified in clauses (f) through (i) of this subparagraph:

- (a) financial accounting and reporting;
- (b) cost or managerial accounting;
- (c) taxation;
- (d) auditing and attestation services;
- (e) accounting information systems;
- (f) fraud examination;
- (g) internal controls and risk assessment;
- (h) accounting ethics; and
- (i) accounting data analytics.

(ii) *On or after August 1, 2027, general business content area shall mean curricular content relating to the development of knowledge in traditional business principles and technical skills. Curricular content in general business shall include content in clauses (a) through (e) of this subparagraph and may also include but is not limited to subjects in clauses (f) through (m) of this subparagraph:*

- (a) information technology and systems;
- (b) business law;
- (c) business data analytics;
- (d) economics;
- (e) finance;
- (f) management;
- (g) marketing;
- (h) operations management;
- (i) organizational behavior;
- (j) business strategy;
- (k) quantitative methods;
- (l) business statistics; and
- (m) computer science.

(2) Curriculum. *On or after August 1, 2027, in addition to meeting all applicable provisions of this Part, to be registered as a program recognized as leading to licensure in public accountancy which meets the requirements in section 70.2 of this Title, such program shall be a baccalaureate or higher program in accountancy or its equivalent that, by requisites or prerequisites, shall ensure completion of at least 150 semester hours or its equivalent, including a minimum of 33 semester hours or its equivalent in the professional accounting content area and a minimum of 36 semester hours or its equivalent in the general business content area.*

2. Subdivision (b) of section 70.2 of the Regulations of the Commissioner of Education are amended to read as follows:

(b) ...

(1) ...

(2) An applicant who applies to the Department for licensure on or after August 1, 2009 shall be required to have satisfactorily completed a curriculum of at least 150 semester hours in a program described in paragraph (1) of this subdivision, except that an applicant who applies for licensure on or after August 1, 2009, but prior to August 1, 2027, and was licensed in another state prior to August 1, 2009 may meet the education requirements by having satisfactorily completed a curriculum of at least 120 semester hours in a program described in paragraph (1) of this subdivision, provided, however, that such applicant shall meet all requirements for licensure, prior to August 1, 2027.

(3) An applicant who applies to the Department for licensure prior to August 1, 2009 shall be required to have satisfactorily completed a curriculum of at least 120 semester hours in a program prescribed in paragraph (1) of this subdivision prior to August 1, 2009 and have submitted the required application forms for licensure to the Department prior to August 1, 2009, provided, however, that such applicant shall meet all requirements for licensure prior to August 1, 2027.

3. Section 70.3 of the Regulations of the Commissioner of Education is amended to read as follows:

Section 70.3 Experience requirements

(a) An applicant who has satisfied the requirements as to education shall meet the experience requirement for licensure as a certified public accountant by submitting documentation, satisfactory to the Board of Regents, of completion of the following experience requirements:

(1) One year of acceptable full-time experience, or the equivalent thereof, shall be required for an applicant who has met the professional education requirements for licensure in section 70.2 of this Part through completion of a curriculum of at least 150 semester hours in a baccalaureate or higher degree program in accountancy, or its foreign equivalent, in accountancy that is registered by the Department pursuant to section 52.13 of this Title, accredited by an acceptable accrediting agency, or determined by the Department to be the substantial equivalent of a registered or accredited program.

(2) Two years of acceptable experience, or the equivalent thereof, shall be required for an applicant who has met the professional education requirements for licensure in section [70.1] 70.2 of this Part through

completion of a curriculum of at 120 semester hours in a baccalaureate or higher degree program in accountancy, or its foreign equivalent, that is registered by the Department pursuant to section 52.13 of this Title, accredited an acceptable accrediting agency, or determined by the Department to be the substantial equivalent of a registered or accredited program.

(3)

(4) Such experience shall be attested to by a certified public accountant licensed in New York or in another political subdivision of the United States [or by a public accountant licensed in New York], provided that such certified public accountant [or public accountant] acted in a supervisory capacity to the applicant in the employing organization.

(b)...

(c) Acceptable experience in the practice of public accountancy shall be earned through employment as an employee in public practice in a public accounting firm, government, private industry or an educational institution.

[d] For purposes of subdivision (a) of this section, if the experience was earned more than 10 years after the applicant passed the certified public accountant licensing examination, a license will not be issued until the applicant completes a satisfactory amount of continuing professional education, as is deemed appropriate by the State Board.]

4. Subdivision (d) of section 70.4 of the Regulations of the Commissioner of Education is amended to read as follows:

(d) Admission to the examination. [For] (i) *Prior to August 1, 2027, for admission to the licensing examination as a New York State candidate, the candidate shall meet all education requirements including, but not limited to, completion of a minimum of 120 semester hours of study in an acceptable accredited college or university which shall include at least one course in each of the mandatory professional accounting content areas defined in subparagraph (i) of paragraph (1) of subdivision (b) of section 52.13 of [the Regulations of the Commissioner of Education] this Title, or its equivalent as determined by the Department;*

(ii) *On or after August 1, 2027, for admission to the licensing examination as a New York State candidate, the candidate shall meet all education requirements including, but not limited to, completion of a minimum of 120 semester hours of study in an acceptable accredited college or university which shall include at least one course in each of the mandatory professional accounting and business content areas defined in subparagraphs (i) and (ii) of paragraph (1) of subdivision (c) of section 52.13 of this Title, or its equivalent as determined by the Department.*

Text of proposed rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: Sarah S. Benson, Deputy Commissioner, NYS Education Department, Office of the Professions, 89 Washington Avenue, 2nd Floor EB, West Wing, Albany, NY 12234, (518) 486-1727, email: REGCOMMENTS@nysed.gov

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Section 207 of the Education Law grants general rule-making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 6504 of the Education Law authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions.

Paragraph (a) of subdivision (2) of section 6507 of the Education Law authorizes the Commissioner of Education to promulgate regulations in administering the admission to and the practice of the professions.

Section 7401 of the Education Law defines the practice of public accountancy.

Section 7404 of the Education Law establishes the requirements for licensure as a licensure as a certified public accountant.

2. LEGISLATIVE OBJECTIVES:

The American Institute of Certified Public Accountants¹ (AICPA) and the National Association of State Boards of Accountancy² (NASBA) have adopted the model Uniform Accountancy Act³ (UAA). Sections 52.13, 70.2, and 70.3 of the Regulations of the Commissioner of Education (Commissioner's regulations) were last amended in January 2010 to conform to prior amendments to the Education Law consistent with the UAA. Section 70.4 of the Commissioner's regulations was last amended in 2020 to conform to the changes in the UAA and to provide the Department with additional flexibility in adapting to, and implementing, national standards relating to the certified public accountant examination.

Additionally, the Certified Public Accountant (CPA) Evolution, a joint effort, by the AICPA and NASBA, is currently in the process of transforming the CPA licensure model. This includes creating a new exam structure with a three-section core, plus one discipline. The three sections of the core exam will contain financial accounting and reporting, audit, and

taxation. The candidate will choose one of the following disciplines: business analysis and reporting, information systems and controls, or tax compliance and planning. The changes to the new CPA exam are anticipated in or around January 2024.

As national licensing education and exam standards continue to evolve, it is necessary to again amend the Commissioner's regulations to conform thereto. As discussed below, the proposed rule modernizes the education and exam standards for CPAs, sets forth education requirements to sit for the CPA licensure exam, and makes corresponding updates to the program registration standards. The proposed rule is consistent with the above statutory authority and necessary to conform to the Commissioner's regulations to the UAA and to ensure that New York State's CPA licensing standards remain current and relevant, which will further the goal and interest of public protection.

The proposed rule amends sections 52.13 and 70.2 of the Commissioner's regulations to reflect the updated UAA and the CPA Evolution project, both of which emphasize incorporating technology into the profession of public accountancy. The proposed rule amends the core content in accounting requirements in program registration to include a required course in accounting information systems. This is in addition to the existing four core courses in accounting course work: financial accounting and reporting, auditing and attestation, taxation, and a cost/managerial accounting course. Additionally, the proposed rule adds core content in business course work that will include a course in information systems technology and systems, business data analytics, business law, economics, and finance. The proposed rule also includes a phase in period of five years, with an effective date of August 1, 2027.

The proposed rule amends section 70.2 of the Commissioner's regulations by phasing out a provision relating to the 120-semester hour pathway to licensure. No other jurisdiction offers this pathway to licensure and the current standard is 150 hours in New York State. Therefore, proposed rule will eliminate this pathway to align with the education standards of 54 jurisdictions. Accordingly, an applicant for licensure under this pathway will have to complete all requirements for licensure on or before August 1, 2027.

To ensure the experience gained for licensure is current, the proposed rule of amends section 70.3 of the Commissioner's regulations to:

- Clarify that acceptable experience must be earned as an employee in public practice, which includes experience gained in a public accounting firm.
- Remove the provision allowing public accountants to certify acceptable experience.
- Replace an inaccurate reference to section 70.1 of the Commissioner's regulations with the correct reference to section 70.2 of the Commissioner's regulations.

Finally, the proposed rule amends section 70.4 of the Commissioner's regulations to conform the admission to the CPA exam requirements with the proposed rule's amendments to section 52.13 of the Commissioner's regulations.

3. NEEDS AND BENEFITS:

The proposed rule is necessary to amend the regulations of the Commissioner of Education to conform New York State's education and examination requirements for licensure as a CPA with national standards to ensure that this State's CPA licensing standards remain current and relevant, which furthers the goal and interest of public protection.

4. COSTS:

- (a) Costs to State government: There are no additional costs to state government.
- (b) Costs to local government: There are no additional costs to local government.
- (c) Cost to private regulated parties: There are no costs to regulated parties beyond those imposed by existing statute and regulation.
- (d) Cost to the regulatory agency: There are no additional costs to the Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed rule does not impose any program service, duty, responsibility, or other mandate on local governments.

6. PAPERWORK:

The proposed rule does not impose any reporting, record keeping or other requirements on applicants for CPA licensure beyond those imposed by existing statute and regulation.

7. DUPLICATION:

The proposed rule, among other things, updates the requirements for licensure to reflect current national education and exam standards in the public accountancy profession, which furthers the goal and interest of public protection. There are no other state or federal requirements on the subject matter of the proposed rule. Therefore, the proposed rule does not duplicate other existing New York State or federal requirements.

8. ALTERNATIVES:

The proposed rule is necessary to conform the Commissioner's regula-

tions to national standards CPA licensing standards by modernizing the education and exam standards for CPAs, setting forth education requirements to sit for the CPA licensure exam, and making corresponding updates to the program registration standards. The proposed rule is also necessary to ensure that New York State's CPA licensing standards remain current and relevant, which furthers the goal and interest of public protection. There are no significant alternatives to the proposed rule available and none were considered.

9. FEDERAL STANDARDS:

Since there are no applicable federal standards, the proposed rule does not exceed any minimum federal standards for the same or similar subject areas.

10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption at the September 2022 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the September 2022 Regents meeting, the proposed amendments to sections 52.13, 70.2, 70.3 and 70.4 of the Commissioner's regulations will become effective on September 28, 2022. It is anticipated that regulated parties will be able to comply with the proposed amendments by their respective effective dates.

¹ The AICPA, among other things, sets the ethical standards for certified public accountants (CPAs) and the United States auditing standards for private companies, non-profit organizations, federal, state, and local governments. It also develops and grades the Uniform CPA Examination.

² NASBA serves as a forum for the United States' 55 State Boards of Public Accountancy, which administer the Uniform CPA Examination, license CPAs and regulate the practice of public accountancy in the United States.

³ In 1984, AICPA and NASBA established the Uniform Accountancy Act, which is an "evergreen" model licensing law developed to provide a uniform national approach to regulating the public accountancy profession.

Regulatory Flexibility Analysis

The purpose of the proposed rule is to amend the regulations of the Commissioner of Education to conform New York State's education and examination requirements for licensure as a certified public accountant (CPA) with national standards to ensure that this State's CPA licensing standards remain current and relevant, which will further the goal and interest of public protection.

The American Institute of Certified Public Accountants¹ (AICPA) and the National Association of State Boards of Accountancy² (NASBA) have adopted the model Uniform Accountancy Act³ (UAA). Sections 52.13, 70.2, and 70.3 of the Regulations of the Commissioner of Education (Commissioner's regulations) were last amended in January 2010 to conform to prior amendments to the Education Law consistent with the UAA. Section 70.4 of the Commissioner's regulations was last amended in 2020 to conform to the changes in the UAA and to provide the Department with additional flexibility in adapting to, and implementing, national standards relating to the certified public accountant examination.

Additionally, the Certified Public Accountant (CPA) Evolution, a joint effort, by the AICPA and NASBA, is currently in the process of transforming the CPA licensure model. This includes creating a new exam structure with a three-section core, plus one discipline. The three sections of the core exam will contain financial accounting and reporting, audit, and taxation. The candidate will choose one of the following disciplines: business analysis and reporting, information systems and controls, or tax compliance and planning. The changes to the new CPA exam are anticipated in or around January 2024.

As national licensing education and exam standards continue to evolve, it is necessary to again amend the Commissioner's regulations to conform thereto. As discussed below, the proposed rule modernizes the education and exam standards for CPAs, sets forth education requirements to sit for the CPA licensure exam, and makes corresponding updates to the program registration standards. The proposed rule is consistent with the above statutory authority and necessary to conform the Commissioner's regulations to the UAA and to ensure that New York State's CPA licensing standards remain current and relevant.

The proposed rule amends sections 52.13 and 70.2 of the Commissioner's regulations to reflect the updated UAA and the CPA Evolution project, both of which emphasize incorporating technology into the profession of public accountancy. The proposed rule amends the core content in accounting requirements in program registration to include a required course in accounting information systems. This is in addition to the existing four core courses in accounting course work: financial accounting and reporting, auditing and attestation, taxation, and a cost/managerial ac-

counting course. Additionally, the proposed rule adds core content in business course work that will include a course in information systems technology and systems, business data analytics, business law, economics, and finance. The proposed rule also includes a phase in period of five years, with an effective date of August 1, 2027.

The proposed rule amends section 70.2 of the Commissioner's regulations by phasing out a provision relating to the 120-semester hour pathway to licensure. No other jurisdiction offers this pathway to licensure and the current standard is 150 hours in New York State. Therefore, proposed rule will eliminate this pathway to align with the education standards of 54 jurisdictions. Accordingly, an applicant for licensure under this pathway will have to complete all requirements for licensure on or before August 1, 2027.

To ensure the experience gained for licensure is current, the proposed rule of amends section 70.3 of the Commissioner's regulations to:

- Clarify that acceptable experience must be earned as an employee in public practice, which includes experience gained in a public accounting firm.
- Remove the provision allowing public accountants to certify acceptable experience.
- Replace an inaccurate reference to section 70.1 of the Commissioner's regulations with the correct reference to section 70.2 of the Commissioner's regulations.

Finally, the proposed rule amends section 70.4 of the Commissioner's regulations to conform the admission to the CPA exam requirements with the proposed rule's amendments to section 52.13 of the Commissioner's regulations.

The proposed rule will not impose any reporting, recordkeeping or other compliance requirements or costs or have any adverse economic impact on small businesses or local governments. Because it is evident from the proposed rule that it will not adversely affect small businesses or local governments, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required, and one has not been prepared.

¹ The AICPA, among other things, sets the ethical standards for certified public accountants (CPAs) and the United States auditing standards for private companies, non-profit organizations, federal, state, and local governments. It also develops and grades the Uniform CPA Examination.

² NASBA serves as a forum for the United States' 55 State Boards of Public Accountancy, which administer the Uniform CPA Examination, license CPAs and regulate the practice of public accountancy in the United States.

³ In 1984, AICPA and NASBA established the Uniform Accountancy Act, which is an "evergreen" model licensing law developed to provide a uniform national approach to regulating the public accountancy profession.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed rule will apply to all individuals seeking licensure as a certified public accountant (CPA) in New York State, including those located in the 44 counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square miles or less.

2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

The proposed rule is necessary to amend the regulations of the Commissioner of Education to conform New York State's education and examination requirements for licensure as a certified public accountant (CPA) with national standards to ensure that this State's CPA licensing standards remain current and relevant, which will further the goal and interest of public protection.

The American Institute of Certified Public Accountants¹ (AICPA) and the National Association of State Boards of Accountancy² (NASBA) have adopted the model Uniform Accountancy Act³ (UAA). Sections 52.13, 70.2, and 70.3 of the Regulations of the Commissioner of Education (Commissioner's regulations) were last amended in January 2010 to conform to prior amendments to the Education Law consistent with the UAA. Section 70.4 of the Commissioner's regulations was last amended in 2020 to conform to the changes in the UAA and to provide the Department with additional flexibility in adapting to, and implementing, national standards relating to the certified public accountant examination.

Additionally, the Certified Public Accountant (CPA) Evolution, a joint effort, by the AICPA and NASBA, is currently in the process of transforming the CPA licensure model. This includes creating a new exam structure with a three-section core, plus one discipline. The three sections of the core exam will contain financial accounting and reporting, audit, and

taxation. The candidate will choose one of the following disciplines: business analysis and reporting, information systems and controls, or tax compliance and planning. The changes to the new CPA exam are anticipated in or around January 2024.

As national licensing education and exam standards continue to evolve, it is necessary to again amend the Commissioner's regulations to conform thereto. As discussed below, the proposed rule modernizes the education and exam standards for CPAs, sets forth education requirements to sit for the CPA licensure exam, and makes corresponding updates to the program registration standards. The proposed rule is consistent with the above statutory authority and necessary to conform the Commissioner's regulations to the UAA and to ensure that New York State's CPA licensing standards remain current and relevant.

The proposed rule amends section 70.2 of the Commissioner's regulations by phasing out a provision relating to the 120-semester hour pathway to licensure. No other jurisdiction offers this pathway to licensure and the current standard is 150 hours in New York State. Therefore, proposed rule will eliminate this pathway to align with the education standards of 54 jurisdictions. Accordingly, an applicant for licensure under this pathway will have to complete all requirements for licensure on or before August 1, 2027.

To ensure the experience gained for licensure is current, the proposed rule of amends section 70.3 of the Commissioner's regulations to:

- Clarify that acceptable experience must be earned as an employee in public practice, which includes experience gained in a public accounting firm.
- Remove the provision allowing public accountants to certify acceptable experience.
- Replace an inaccurate reference to section 70.1 of the Commissioner's regulations with the correct reference to section 70.2 of the Commissioner's regulations.

Finally, the proposed rule amends section 70.4 of the Commissioner's regulations to conform the admission to the CPA exam requirements with the proposed rule's amendments to section 52.13 of the Commissioner's regulations.

Individuals seeking CPA licensure to in New York State will be required to submit an application to the Department and meet all the licensure requirements, which include but are not limited to, the professional education, experience and examination requirements specified in the proposed rule.

The proposed rule will not impose any additional professional service requirements on entities in rural areas.

3. COSTS:

With respect to individuals seeking CPA licensure from the State Education Department (Department), including those in rural areas, the proposed rule does not impose any additional costs beyond those required by statute. As required by Education Law § 7404(1)(8), applicants for licensure as CPAs must pay a fee of \$220 to the Department for admission to a Department conducted examination and for an initial license, a fee of \$115 for each reexamination, a fee of \$135 for an initial license for persons not requiring admission to a Department conducted examination, and a fee of \$210 for each triennial registration period.

Moreover, pursuant to Education Law § 7404(1)(2), applicants for licensure as a CPA will incur the cost of a bachelor's or higher degree-level education.

4. MINIMIZING ADVERSE IMPACT:

The proposed rule is necessary to amend the regulations of the Commissioner of Education to conform New York State's education and examination requirements for licensure as a CPA with national standards to ensure that this State's CPA licensing standards remain current and relevant, which will further the goal and interest of public protection.

The aforementioned statutory CPA licensure requirements do not make exceptions for individuals who live or work in rural areas. Thus, the Department has determined that the proposed rule's requirements should apply to all individuals seeking licensure as a CPA in this State, regardless of the geographic location, to help ensure CPA competency across the State. Because of the nature of the proposed rule, alternative approaches for rural areas were not considered.

5. RURAL AREAS OF PARTICIPATION:

Comments on the proposed rule were solicited from statewide organizations representing parties having an interest in the practice of pharmacy and pharmacy technicians. These organizations included the State Board for Public Accountancy and professional associations representing CPAs. These groups have members who live or work in rural areas.

² NASBA serves as a forum for the United States' 55 State Boards of Public Accountancy, which administer the Uniform CPA Examination, license CPAs and regulate the practice of public accountancy in the United States.

³ In 1984, AICPA and NASBA established the Uniform Accountancy Act, which is an "evergreen" model licensing law developed to provide a uniform national approach to regulating the public accountancy profession.

Job Impact Statement

The proposed rule is necessary to amend the regulations of the Commissioner of Education to conform New York State's education and examination requirements for licensure as a certified public accountant (CPA) with national standards to ensure that this State's CPA licensing standards remain current and relevant, which will further the goal and interest of public protection.

The American Institute of Certified Public Accountants¹ (AICPA) and the National Association of State Boards of Accountancy² (NASBA) have adopted the model Uniform Accountancy Act³ (UAA). Sections 52.13, 70.2, and 70.3 of the Regulations of the Commissioner of Education (Commissioner's regulations) were last amended in January 2010 to conform to prior amendments to the Education Law consistent with the UAA. Section 70.4 of the Commissioner's regulations was last amended in 2020 to conform to the changes in the UAA and to provide the Department with additional flexibility in adapting to, and implementing, national standards relating to the certified public accountant examination.

Additionally, the Certified Public Accountant (CPA) Evolution, a joint effort, by the AICPA and NASBA, is currently in the process of transforming the CPA licensure model. This includes creating a new exam structure with a three-section core, plus one discipline. The three sections of the core exam will contain financial accounting and reporting, audit, and taxation. The candidate will choose one of the following disciplines: business analysis and reporting, information systems and controls, or tax compliance and planning. The changes to the new CPA exam are anticipated in or around January 2024.

As national licensing education and exam standards continue to evolve, it is necessary to again amend the Commissioner's regulations to conform thereto. As discussed below, the proposed rule modernizes the education and exam standards for CPAs, sets forth education requirements to sit for the CPA licensure exam, and makes corresponding updates to the program registration standards. The proposed rule is consistent with the above statutory authority and necessary to conform the Commissioner's regulations to the UAA and to ensure that New York State's CPA licensing standards remain current and relevant.

The proposed rule amends sections 52.13 and 70.2 of the Commissioner's regulations to reflect the updated UAA and the CPA Evolution project, both of which emphasize incorporating technology into the profession of public accountancy. The proposed rule amends the core content in accounting requirements in program registration to include a required course in accounting information systems. This is in addition to the existing four core courses in accounting course work: financial accounting and reporting, auditing and attestation, taxation, and a cost/managerial accounting course. Additionally, the proposed rule adds core content in business course work that will include a course in information systems technology and systems, business data analytics, business law, economics, and finance. The proposed rule also includes a phase in period of five years, with an effective date of August 1, 2027.

The proposed rule amends section 70.2 of the Commissioner's regulations by phasing out a provision relating to the 120-semester hour pathway to licensure. No other jurisdiction offers this pathway to licensure and the current standard is 150 hours in New York State. Therefore, proposed rule will eliminate this pathway to align with the education standards of 54 jurisdictions. Accordingly, an applicant for licensure under this pathway will have to complete all requirements for licensure on or before August 1, 2027.

To ensure the experience gained for licensure is current, the proposed rule of amends section 70.3 of the Commissioner's regulations to:

- Clarify that acceptable experience must be earned as an employee in public practice, which includes experience gained in a public accounting firm.
- Remove the provision allowing public accountants to certify acceptable experience.
- Replace an inaccurate reference to section 70.1 of the Commissioner's regulations with the correct reference to section 70.2 of the Commissioner's regulations.

Finally, the proposed rule amends section 70.4 of the Commissioner's regulations to conform the admission to the CPA exam requirements with the proposed rule's amendments to section 52.13 of the Commissioner's regulations.

It is not anticipated that the proposed rule will increase or decrease the

¹ The AICPA, among other things, sets the ethical standards for certified public accountants (CPAs) and the United States auditing standards for private companies, non-profit organizations, federal, state, and local governments. It also develops and grades the Uniform CPA Examination.

number of jobs to be filled because, among other things, New York State CPA licensure applicants will have to meet the same licensure requirements as applicants in approximately 54 other jurisdictions. Therefore, the proposed rule will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed rule that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

- ¹ The AICPA, among other things, sets the ethical standards for certified public accountants (CPAs) and the United States auditing standards for private companies, non-profit organizations, federal, state, and local governments. It also develops and grades the Uniform CPA Examination.
- ² NASBA serves as a forum for the United States' 55 State Boards of Public Accountancy, which administer the Uniform CPA Examination, license CPAs and regulate the practice of public accountancy in the United States.
- ³ In 1984, AICPA and NASBA established the Uniform Accountancy Act, which is an "evergreen" model licensing law developed to provide a uniform national approach to regulating the public accountancy profession.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Unprofessional Conduct in the Practice of Veterinary Medicine

I.D. No. EDU-22-22-00007-P

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

Proposed Action: Amendment of section 29.6 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6507, 6509, 6701 and 6702

Subject: Unprofessional Conduct in the practice of veterinary medicine.

Purpose: To establish unprofessional conduct for multi veterinarian and solo veterinarian practices.

Text of proposed rule: Subdivision (a) of section 29.6 of the Rules of the Board of Regents is amended to read as follows:

(a) Unprofessional conduct in the practice of veterinary medicine shall include all conduct prohibited by section 29.1 of this Part except as provided in this section, and shall also include the following:

- (1) ...
- (2) ...
- (3) ...
- (4) ...
- (5) ...
- (6) ...
- (7) ...
- (8) abandoning or neglecting an animal patient under and in need of immediate care, without making reasonable arrangements for the continuation of such care; [or]

(9) entering into an arrangement or agreement with a pharmacy for the compounding and/or dispensing of coded or specially marked prescriptions[.];

(10) for solo veterinarian practices:

(i) failure to clearly identify, in the patient record, the treating veterinarian and any veterinary technician providing patient care for each patient visit, including any patient admitted as an in-patient;

(ii) failure of the veterinarian, who is managing the care of the patient, to adequately supervise both licensed and unlicensed personnel in the practice, who have been assigned to provide patient care within said practice; or

(iii) failure of the veterinarian to provide a practice setting, which includes appropriate supervision, as well as the necessary equipment, supplies, human resources, medical records, and client communication platforms and/or systems where licensed personnel can provide adequate patient care within said practice; or

(11) for multi-veterinarian veterinary practices:

(i) failure to clearly identify, in the patient record, the treating veterinarian and any veterinary technician providing patient care for each patient visit, including the veterinarian who is responsible for managing the care of any patient admitted as an in-patient;

(ii) failure of the veterinarian, who is managing the care of the patient, to adequately supervise both licensed and unlicensed personnel in the practice, who have been assigned to provide patient care within said practice; or

(iii) failure of a principal, in a multi-doctor practice, to provide a practice setting, which includes appropriate supervision, as well as the necessary equipment, supplies, human resources, medical records, and client communication platforms and/or systems where licensed personnel can provide adequate patient care within said practice.

Text of proposed rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: Sarah S. Benson, Deputy Commissioner, NYS Education Department, Office of the Professions, 89 Washington Avenue, 2nd Floor EB, West Wing, Albany, NY 12234, (518) 486-1727, email: REGCOMMENTS@nysed.gov

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Section 207 of the Education Law grants general rule-making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 6504 of the Education Law authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions.

Paragraph (a) of subdivision (2) of section 6507 of the Education Law authorizes the Commissioner of Education to promulgate regulations in administering the admission to and the practice of the professions.

Subdivision (9) of section 6509 of the Education Law authorizes the Board of Regents to define unprofessional conduct in the professions.

Section 6701 defines the practice of veterinary medicine.

Section 6702 defines the use of the title "veterinarian."

2. LEGISLATIVE OBJECTIVES:

Veterinary practices, like others across multiple professions, are trending towards larger multi-practitioner entities, such as professional service corporations. As these practice patterns shift, there is a corresponding need to ensure that veterinarian accountability for patient care remains clear, and to establish expected procedures for ensuring such accountability.

As multi-veterinarian practices continue to expand in both number and/or size, investigations and prosecutions of veterinary disciplinary complaints involving such practices have become increasingly challenging for Department staff and the State Board for Veterinary Medicine. For example, it has become progressively more difficult to determine which veterinarians were responsible for the care and treatments administered to the patients at issue, especially in situations where multiple veterinarians cover various shifts during a patient's overnight or longer stay and the patient records are unclear as to whom was responsible for the patient at the time of an alleged adverse incident.

The proposed rule amends subdivision (a) of section 29.6 of the Rules of the Board of Regents (Regents Rules) to address this situation by clarifying that unprofessional conduct in the practice of veterinary medicine by multi-veterinarian practices includes the following misconduct: (1) failure to clearly identify, in the patient record, the treating veterinarian and any veterinary technician providing patient care for each patient visit, including the veterinarian who is responsible for managing the care of any patient admitted as an in-patient; (2) failure of the veterinarian who is managing the care of the patient to adequately supervise both licensed and unlicensed personnel in the practice, who have been assigned to provide patient care within said practice; or (3) failure of a principal(s)/owner(s), in a multi-doctor practice, to provide a practice setting, which includes appropriate supervision and the necessary equipment, supplies, human resources, medical records, and client communication platforms and/or systems where licensed personnel can provide adequate patient care within the practice.

The proposed rule also makes similar changes to the definition unprofessional conduct in the practice of veterinary medicine with respect to solo veterinarian practices.

3. NEEDS AND BENEFITS:

The proposed rule is consistent with the above statutory authority and necessary to amend the Regents Rules to clarify what constitutes unprofessional conduct in the practice of veterinary medicine by both multi-veterinarian and solo veterinarian practices, which will further the goal and interest of public protection.

4. COSTS:

(a) Costs to State government: There are no additional costs to state government.

(b) Costs to local government: There are no additional costs to local government.

(c) Cost to private regulated parties: There are no costs to regulated parties beyond those imposed by existing statute and regulation.

(d) Cost to the regulatory agency: There are no additional costs to the Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed rule does not impose any program service, duty, responsibility, or other mandate on local governments.

6. PAPERWORK:

The proposed rule does not impose any reporting, record keeping or other requirements on veterinarians or multi-veterinarian or solo veterinarian practices beyond those imposed by existing statute and regulation.

7. DUPLICATION:

The proposed rule amends subdivision (a) of section 29.6 of the Regents Rules by clarifying that unprofessional conduct in the practice of veterinary medicine by multi-veterinarian practices includes the following misconduct: (1) failure to clearly identify, in the patient record, the treating veterinarian and any veterinary technician providing patient care for each patient visit, including the veterinarian who is responsible for managing the care of any patient admitted as an in-patient; (2) failure of the veterinarian who is managing the care of the patient to adequately supervise both licensed and unlicensed personnel in the practice, who have been assigned to provide patient care within said practice; or (3) failure of a principal(s)/owner(s), in a multi-doctor practice, to provide a practice setting, which includes appropriate supervision and the necessary equipment, supplies, human resources, medical records, and client communication platforms and/or systems where licensed personnel can provide adequate patient care within the practice.

The proposed rule also makes similar changes to the definition unprofessional conduct in the practice of veterinary medicine with respect to solo veterinarian practices.

There are no other state or federal requirements on the subject matter of the proposed rule. Therefore, the proposed rule does not duplicate other existing New York State or federal requirements.

8. ALTERNATIVES:

The proposed rule is necessary to clarify what constitutes unprofessional conduct in the practice of veterinary medicine by both solo veterinarian and multi-veterinarian practices, which will further the goal and interest of public protection. There are no significant alternatives to the proposed rule available and none were considered.

9. FEDERAL STANDARDS:

Since there are no applicable federal standards, the proposed rule does not exceed any minimum federal standards for the same or similar subject areas.

10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption at the September 2022 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the September 2022 Regents meeting, the proposed amendment to section 29.6 of the Regents will become effective on September 28, 2022. It is anticipated that regulated parties will be able to comply with the proposed amendment by its effective date.

Regulatory Flexibility Analysis**(a) Small Businesses:**

The proposed rule is necessary to amend the Rules of the Board of Regents (Regents Rules) to clarify what constitutes unprofessional conduct in the practice of veterinary medicine by both solo veterinarian and multi-veterinarian practices, which will further the goal and interest of public protection. Veterinary practices, like others across multiple professions, are trending towards larger multi-practitioner entities, such as professional service corporations. As these practice patterns shift, there is a corresponding need to ensure that veterinarian accountability for patient care remains clear, and to establish expected procedures for ensuring such accountability.

As multi-veterinarian practices continue to expand in both number and/or size, investigations and prosecutions of veterinary disciplinary complaints involving such practices have become increasingly challenging for Department staff and the State Board for Veterinary Medicine. For example, it has become progressively more difficult to determine which veterinarians were responsible for the care and treatments administered to the patients at issue, especially in situations where multiple veterinarians cover various shifts during a patient's overnight or longer stay and the patient records are unclear as to whom was responsible for the patient at the time of an alleged adverse incident.

The proposed rule amends subdivision (a) of section 29.6 of the Regents Rules to address this situation by clarifying that unprofessional conduct in the practice of veterinary medicine by multi-veterinarian practices includes the following misconduct: (1) failure to clearly identify, in the patient record, the treating veterinarian and any veterinary technician providing patient care for each patient visit, including the veterinarian who is responsible for managing the care of any patient admitted as an in-patient; (2) failure of the veterinarian who is managing the care of the patient to adequately supervise both licensed and unlicensed personnel in the practice, who have been assigned to provide patient care within said

practice; or (3) failure of a principal(s)/owner(s), in a multi-doctor practice, to provide a practice setting, which includes appropriate supervision and the necessary equipment, supplies, human resources, medical records, and client communication platforms and/or systems where licensed personnel can provide adequate patient care within the practice.

All veterinarians licensed in New York State, including those employed by small businesses, and all solo veterinarian and multi-veterinarian practices will have to comply with the proposed rule's unprofessional conduct provisions.

Therefore, the proposed rule will not impose any new reporting, recordkeeping, or other compliance requirements, or have any adverse economic impact on small businesses. Because it is evident from the nature of the proposed rule that it will not adversely affect small businesses, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required, and one has not been prepared.

(b) Local Governments:**1. EFFECT OF RULE:**

The proposed rule clarifies what constitutes unprofessional conduct in the practice of veterinary medicine by both solo veterinarian and multi-veterinarian practices, which will further the goal and interest of public protection. The proposed rule amends subdivision (a) of section 29.6 of the Rules of the Board of Regents (Regents Rules) to address this situation by clarifying that unprofessional conduct in the practice of veterinary medicine by multi-veterinarian practices includes the following misconduct: (1) failure to clearly identify, in the patient record, the treating veterinarian and any veterinary technician providing patient care for each patient visit, including the veterinarian who is responsible for managing the care of any patient admitted as an in-patient; (2) failure of the veterinarian who is managing the care of the patient to adequately supervise both licensed and unlicensed personnel in the practice, who have been assigned to provide patient care within said practice; or (3) failure of a principal(s)/owner(s), in a multi-doctor practice, to provide a practice setting, which includes appropriate supervision and the necessary equipment, supplies, human resources, medical records, and client communication platforms and/or systems where licensed personnel can provide adequate patient care within the practice. The proposed rule also makes similar changes to the definition unprofessional conduct in the practice of veterinary medicine with respect to solo veterinarian practices.

In New York State, the number of licensed veterinarians is 7,163 and all of them will be subject to the proposed rule's unprofessional conduct provisions. However, the number of veterinarians who may be employed by local governments is unknown.

2. COMPLIANCE REQUIREMENTS:

The proposed rule clarifies what constitutes unprofessional conduct in the practice of veterinary medicine by both solo veterinarian and multi-veterinarian practices, which will further the goal and interest of public protection. The provided rule applies to all licensed veterinarians and solo veterinarian and multi-veterinarian practices in New York State.

3. PROFESSIONAL SERVICES:

It is not anticipated that local governments will need professional services to comply with the proposed rule.

4. COMPLIANCE COSTS:

The proposed rule does not impose any costs on local governments beyond those imposed by current statute and regulation.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule will not impose any new technological requirements on regulated parties, including local governments, and the proposed rule is economically feasible. See above "Compliance Costs" for the economic impact of the regulation.

6. MINIMIZING ADVERSE IMPACT:

The proposed rule clarifies what constitutes unprofessional conduct in the practice of veterinary medicine by both solo veterinarian and multi-veterinarian practices, which will further the goal and interest of public protection. The provided rule applies to all licensed veterinarians and solo veterinarian and multi-veterinarian practices in New York State. See above "Compliance Costs" for the minimizing adverse impact of the regulation.

7. LOCAL GOVERNMENT PARTICIPATION:

Statewide organizations representing all parties having an interest in the practice of veterinary medicine, including the State Board for Veterinary Medicine and who are members of various professional associations and groups, which include state and federal employees, were consulted and provided input into the development of the proposed rule and their comments were considered in its development.

(b) Local Governments:

The proposed rule is necessary to amend the Rules of the Board of Regents (Regents Rules) to clarify what constitutes unprofessional conduct in the practice of veterinary medicine by both multi-veterinarian and solo veterinarian practices, which will further the goal and interest of public protection.

Veterinary practices, like others across multiple professions, are trending towards larger multi-practitioner entities, such as professional service corporations. As these practice patterns shift, there is a corresponding need to ensure that veterinarian accountability for patient care remains clear, and to establish expected procedures for ensuring such accountability.

As multi-veterinarian practices continue to expand in both number and/or size, investigations and prosecutions of veterinary disciplinary complaints involving such practices have become increasingly challenging for Department staff and the State Board for Veterinary Medicine. For example, it has become progressively more difficult to determine which veterinarians were responsible for the care and treatments administered to the patients at issue, especially in situations where multiple veterinarians cover various shifts during a patient's overnight or longer stay and the patient records are unclear as to whom was responsible for the patient at the time of an alleged adverse incident.

The proposed rule amends subdivision (a) of section 29.6 of the Regents Rules to address this situation by clarifying that unprofessional conduct in the practice of veterinary medicine by multi-veterinarian practices includes the following misconduct: (1) failure to clearly identify, in the patient record, the treating veterinarian and any veterinary technician providing patient care for each patient visit, including the veterinarian who is responsible for managing the care of any patient admitted as an in-patient; (2) failure of the veterinarian who is managing the care of the patient to adequately supervise both licensed and unlicensed personnel in the practice, who have been assigned to provide patient care within said practice; or (3) failure of a principal(s)/owner(s), in a multi-doctor practice, to provide a practice setting, which includes appropriate supervision and the necessary equipment, supplies, human resources, medical records, and client communication platforms and/or systems where licensed personnel can provide adequate patient care within the practice.

The proposed rule also makes similar changes to the definition unprofessional conduct in the practice of veterinary medicine with respect to solo veterinarian practices.

The proposed rule will not impose any reporting, recordkeeping or other compliance requirements or costs or have any adverse economic impact on local governments. Because it is evident from the proposed rule that it will not adversely affect local governments, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for local governments is not required, and one has not been prepared.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed rule will apply to all licensed veterinarians and solo veterinarian and multi-veterinarian practices in New York State, including those located in the 44 counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square miles or less.

2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

The proposed rule is necessary to amend the Rules of the Board of Regents (Regents Rules) to clarify what constitutes unprofessional conduct in the practice of veterinary medicine by both solo veterinarian and multi-veterinarian practices, which will further the goal and interest of public protection.

Veterinary practices, like others across multiple professions, are trending towards larger multi-practitioner entities, such as professional service corporations. As these practice patterns shift, there is a corresponding need to ensure that veterinarian accountability for patient care remains clear, and to establish expected procedures for ensuring such accountability.

As multi-veterinarian practices continue to expand in both number and/or size, investigations and prosecutions of veterinary disciplinary complaints involving such practices have become increasingly challenging for Department staff and the State Board for Veterinary Medicine. For example, it has become progressively more difficult to determine which veterinarians were responsible for the care and treatments administered to the patients at issue, especially in situations where multiple veterinarians cover various shifts during a patient's overnight or longer stay and the patient records are unclear as to whom was responsible for the patient at the time of an alleged adverse incident.

The proposed rule amends subdivision (a) of section 29.6 of the Regents Rules to address this situation by clarifying that unprofessional conduct in the practice of veterinary medicine by multi-veterinarian practices includes the following misconduct: (1) failure to clearly identify, in the patient record, the treating veterinarian and any veterinary technician providing patient care for each patient visit, including the veterinarian who is responsible for managing the care of any patient admitted as an in-patient; (2) failure of the veterinarian who is managing the care of the patient to adequately supervise both licensed and unlicensed personnel in the

practice, who have been assigned to provide patient care within said practice; or (3) failure of a principal(s)/owner(s), in a multi-doctor practice, to provide a practice setting, which includes appropriate supervision and the necessary equipment, supplies, human resources, medical records, and client communication platforms and/or systems where licensed personnel can provide adequate patient care within the practice.

The proposed rule also makes similar changes to the definition unprofessional conduct in the practice of veterinary medicine with respect to solo veterinarian practices.

The proposed rule will not impose any additional professional service requirements on entities in rural areas.

3. COSTS:

There are no costs to veterinarians licensed in New York State or to solo veterinarian and multi-veterinarian practices located in this State.

4. MINIMIZING ADVERSE IMPACT:

The proposed rule is consistent with the above statutory authority and necessary to amend the Regents Rules to clarify what constitutes unprofessional conduct in the practice of veterinary medicine by both multi-veterinarian and solo veterinarian practices, which will further the goal and interest of public protection. The Education Law does not contain exceptions from its disciplinary and unprofessional conduct provisions for individuals who live or work in rural areas or veterinary practices that are located in such areas. Thus, the State Education Department has determined that the proposed rule's requirements should apply to all licensed veterinarians licensed in New York and all solo veterinarian and multi-veterinarian practices located in this State, regardless of the geographic location, to help ensure that there are consistent unprofessional conduct provisions across the State. Because of the nature of the proposed rule, alternative approaches for rural areas were not considered.

5. RURAL AREAS OF PARTICIPATION:

Comments on the proposed rule were solicited from statewide organizations representing parties having an interest in the practice of veterinary medicine. These organizations included the State Board for Veterinary Medicine and professional associations representing veterinarians. These groups have members who live or work in rural areas.

Job Impact Statement

The proposed rule is necessary to amend the Rules of the Board of Regents (Regents Rules) to clarify what constitutes unprofessional conduct in the practice of veterinary medicine by both multi-veterinarian and solo veterinarian practices, which will further the goal and interest of public protection.

Veterinary practices, like others across multiple professions, are trending towards larger multi-practitioner entities, such as professional service corporations. As these practice patterns shift, there is a corresponding need to ensure that veterinarian accountability for patient care remains clear, and to establish expected procedures for ensuring such accountability.

As multi-veterinarian practices continue to expand in both number and/or size, investigations and prosecutions of veterinary disciplinary complaints involving such practices have become increasingly challenging for Department staff and the State Board for Veterinary Medicine. For example, it has become progressively more difficult to determine which veterinarians were responsible for the care and treatments administered to the patients at issue, especially in situations where multiple veterinarians cover various shifts during a patient's overnight or longer stay and the patient records are unclear as to whom was responsible for the patient at the time of an alleged adverse incident.

The proposed rule amends subdivision (a) of section 29.6 of the Regents Rules to address this situation by clarifying that unprofessional conduct in the practice of veterinary medicine by multi-veterinarian practices includes the following misconduct: (1) failure to clearly identify, in the patient record, the treating veterinarian and any veterinary technician providing patient care for each patient visit, including the veterinarian who is responsible for managing the care of any patient admitted as an in-patient; (2) failure of the veterinarian who is managing the care of the patient to adequately supervise both licensed and unlicensed personnel in the practice, who have been assigned to provide patient care within said practice; or (3) failure of a principal(s)/owner(s), in a multi-doctor practice, to provide a practice setting, which includes appropriate supervision and the necessary equipment, supplies, human resources, medical records, and client communication platforms and/or systems where licensed personnel can provide adequate patient care within the practice.

The proposed rule also makes similar changes to the definition unprofessional conduct in the practice of veterinary medicine with respect to solo veterinarian practices.

It is not anticipated that the proposed rule will decrease the number of jobs to be filled because, among other things, veterinarians and both solo veterinarian and multi-veterinarian practices are already required to comply with the relevant unprofessional conduct provisions in Part 29 of the Regents Rules. Therefore, the proposed rule will not have a substantial

adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed rule that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Instruction Provided to Students in a Home, Hospital, or Institutional Setting Other Than a School (Homebound Instruction)

I.D. No. EDU-22-22-00008-P

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

Proposed Action: Addition of section 100.22; and amendment of section 200.6 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 215, 305, 1604, 1709, 2503, 2554, 3202, 3204 and 3205

Subject: Instruction provided to students in a home, hospital, or institutional setting other than a school (homebound instruction).

Purpose: To provide clarity as to the circumstances under which homebound instruction may be requested and delivered.

Text of proposed rule: 1. Part 100 of the Regulations of the Commissioner of Education, is amended by adding a new section 100.22 to read as follows:

§ 100.22 Instruction provided to students in a home, hospital, or institutional setting other than a school (homebound instruction).

(a) Purpose. The purpose of this section is to establish minimum instructional requirements that must be provided to students who are anticipated to be unable to attend school in person for at least ten days during a three month period due to illness or injury which requires the student to remain at home or in a hospital or other institution for the treatment of children, other than a school.

(b) Definitions. As used in this section:

(1) Remote instruction shall have the same meaning as defined in section 100.1(u) of this Part.

(2) Tutor means an individual with whom the school district of residence contracts to provide home, hospital, or institutional instruction pursuant to this section. Such tutor must hold a New York State teaching certificate pursuant to Part 80 of this Title. A tutor may include a teacher employed by a board of cooperative educational services (BOCES) that contracts with the school district of residence to provide such instruction pursuant to Education Law § 1950.

(3) Instruction delivery plan means a written plan to continue the student's academic progress and to maintain a record of delivery of instructional services and student progress, in accordance with paragraph (1) of subdivision (e) of this section.

(4) School district of residence means the public school district within the State of New York where students legally reside with their parents or guardians.

(5) Treating health care provider means a person who is treating a student and is licensed or otherwise authorized to provide diagnosis pursuant to a profession enumerated in Title VIII of the Education Law.

(c) Responsibility for instruction.

(1) The board of education of the school district of residence shall provide instructional services to all resident students enrolled in a public or nonpublic school from kindergarten to age 21 when, due to a temporary or chronic physical, mental, emotional illness or injury, as documented by the student's treating healthcare provider, the student is unable to participate in their usual education setting.

(2) Such instruction may be provided by the district or by a tutor; provided, however, that for hospital and institutional instruction, such instruction may also be provided via contract with a school connected with such hospital or institution, or by contract with the local public school district in which such hospital or institution is located. Such contract shall be limited to the cost of educational services and shall not include maintenance or medical services.

(d) Request for instruction.

(1) When requesting home, hospital, or institutional instruction, the parent or guardian must submit a request to the school district of residence that includes written medical verification from the student's treating healthcare provider demonstrating the student's anticipated inability to attend school in person for at least ten days during the next three months.

(2) The school district shall forward the request to the school's medical director, who shall review the need for home, hospital, or institutional

instruction. Upon consent from the parent or guardian, the school's medical director may contact the student's treating healthcare provider to obtain additional information necessary regarding the student's health or mental health.

(3) The school district shall provide instructional services to the student within five school days after the school district receives notification of the student's medical condition or within five school days from the parent or guardian's request for home, hospital, or institutional instruction, whichever occurs first.

(4) The school district shall notify the parent or guardian regarding the medical director's approval or reason(s) for denial within five school days after receipt of written medical verification from the student's treating health care provider.

(5) The parent or guardian may appeal the medical director's denial to the school district's board of education within five school days of receipt thereof.

(6) Instructional services shall be provided during the timeframe prescribed in paragraph (3) of this subdivision while an appeal of a denial of home, hospital or institutional instruction is pending before the school district's board of education pursuant to paragraph (5) of this subdivision.

(e) Instructional requirements. Home, hospital, or institutional instruction, which may include remote instruction, shall meet the following minimum requirements:

(1) The school district, in consultation with the parent, guardian, and student, where appropriate, shall establish a written home, hospital, or institution instruction delivery plan to continue the student's academic progress and to maintain a record of delivery of instructional services and student progress. The instruction delivery plan shall include, but not be limited to:

(i) the number of hours per week and hours per day that the student will receive instructional services;

(ii) the method by which instructional services will be delivered;

(iii) the location where instructional services will be provided, such as the home, hospital, or institution; and

(iv) an explanation of how the instructional services will enable the student to maintain academic progress.

(2)(i) Prior to July 1, 2023, the student shall receive instruction for the number of days and length of time necessary to continue the student's academic progress, which includes at a minimum:

(a) at the elementary school level, 5 hours of instruction per week. To the extent possible, at least one hour of instruction shall be provided each day.

(b) at the secondary school level, 10 hours of instruction per week. To the extent possible, at least two hours of instruction shall be provided daily.

(ii) On and after July 1, 2023, the student shall receive instruction for the number of days and length of time necessary to continue the student's academic progress, which includes at a minimum:

(a) at the elementary school level, 10 hours of instruction per week. To the extent possible, at least two hours of instruction shall be provided each day.

(b) at the secondary school level, 15 hours of instruction per week. To the extent possible, at least three hours of instruction shall be provided daily.

(3) Notwithstanding paragraph (2) of this subdivision, students may receive less than the required amount of instruction per week if requested by their parent(s) or guardian(s) and supported by documentation submitted by their treating healthcare provider. The district must ensure that the student is unable to receive the additional hours of instruction required by such paragraph and that the reason why the student is receiving less instruction is documented in the instruction delivery plan required pursuant to paragraph (1) of this subdivision. Under these circumstances, the district must ensure that the student's instruction delivery plan is reviewed regularly, but not less than once a month, to determine when the student's instructional hours may be increased; provided, however, that for purposes of determining average daily attendance pursuant to Education Law § 3602(1)(d) and average daily membership pursuant to Education Law § 3602(1)(l), a student must receive the minimum amount of instruction as prescribed in section 175.21 of this Chapter.

(4) The school district of residence shall maintain a record of the dates, amount, and type of instructional services the student received, including the teacher's name, subjects taught, and the location where the instructional services were provided.

(f) Students with disabilities. Notwithstanding the provisions of this section, students with disabilities who are recommended for home, hospital, or institutional instruction by the committee on special education pursuant to section 200.6(i) of this Chapter shall be provided instruction and related services as prescribed in such section.

2. Subdivision (i) of section 200.6 of the Regulations of the Commissioner of Education is amended to read as follows:

(i) Home and hospital instruction. Students with disabilities who are recommended for home and/or hospital instruction by the committee on special education shall be provided instruction and appropriate related services as determined *and documented* by the committee on special education in consideration of the student's unique needs. Home and hospital instruction shall only be recommended if such placement is in the least restrictive environment and must be provided *for at least the number of days and length of time as provided in section 100.22(e)(2) of this Chapter*.

[(1) a minimum of five hours per week at the elementary level, preferably one hour daily; or

(2) a minimum of 10 hours per week at the secondary level, preferably two hours daily].

Text of proposed rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112 EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: Kathleen DeCataldo, Assistant Commissioner, Office of Student Support Services, NYS Education Department, 89 Washington Avenue, Room 318-M-EB, Albany, NY 12234, (518) 473-2890, email: REGCOMMENTS@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Section 101 of the Education Law continues the existence of the Education Department, with the Board of Regents as its head, and authorizes the Regents to appoint the Commissioner as chief administrative officer of the Department, which is charged with the general management and supervision of public schools and the educational work of the State.

Section 207 of the Education Law grants general rule making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 215 of the Education Law empowers the Regents and the Commissioner to visit, examine into and inspect, any institution in the University and any school or institution under the educational supervision of the State and may require reports therefrom giving information as the Regents or the Commissioner prescribe.

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

Section 1604(20) of the Education Law requires the trustees of common school districts to provide transportation, home-teaching or special classes, as defined in Education Law §§ 4401 and 4402 of the Education Law for physically or mentally handicapped and delinquent children.

Section 1709(24) of the Education Law requires the board of education of union free school districts to provide transportation, home-teaching or special classes, as defined in Education Law §§ 4401 and 4402 of the Education Law for physically or mentally handicapped and delinquent children.

Section 2503(11) of the Education Law requires the board of education of small city school districts to provide transportation, home-teaching or special classes, as defined in Education Law §§ 4401 and 4402 of the Education Law for physically or mentally handicapped and delinquent children.

Section 2554(18) of the Education Law requires the board of education of large city school districts to provide transportation, home-teaching or special classes, as defined in Education Law §§ 4401 and 4402 of the Education Law for physically or mentally handicapped and delinquent children.

Section 3202(6) of the Education Law provides that children cared for in a hospital or other institution for the care, custody and treatment of children, other than a school and excepting children of the officers and employees of such hospital or institution, shall not, by reason of their presence in such hospital or institution be deemed to be residents of the school district in which such hospital or institution is located. The trustees or board of education of the school district of their residence shall provide educational services for such children. Such services may be provided by a tutor employed by the district, by contract with a school connected with such hospital or institution, or by contract with the local public school district in which such hospital or institution is located.

Section 3204 of the Education Law provides that minors required to attend upon instruction pursuant to the Compulsory Education Law may attend at a public school or elsewhere and sets forth the requirements of such instruction.

Section 3205 of the Education Law provides that each minor from six

to sixteen years of age in each school district or on an Indian reservation shall attend upon full time instruction.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to implement Regents' policy regarding the provision of instruction to students in a home, hospital or institutional setting other than a school (homebound instruction).

3. NEEDS AND BENEFITS:

Home, hospital, or institutional (formerly homebound) instruction is an educational service provided by a school district to resident students (public and non-public) who are anticipated to be unable to attend school in person for at least ten days in a three-month period due to physical, mental, or emotional illness or injury. Homebound instruction ensures that students can continue learning and working towards mastery of learning standards while unable to attend school for a significant period of time for reasons beyond their control.

Currently, Commissioner's regulations only address instruction provided to students cared for in hospitals or other institutions which provide for the care, custody, and treatment of children, other than a school setting, pursuant to Education Law § 3202(6) (8 NYCRR 175.21). This section of regulation pertains to average daily attendance and average daily membership for determination of state aid and establishes a minimum of 5 (elementary school level) or 10 (secondary level) hours of instruction per week.

For students with disabilities who are recommended for home, hospital, or institutional instruction by a committee on special education (CSE), section 200.6 of the Commissioner's regulations requires the same minimum hours for elementary and secondary levels as prescribed in section 175.21 of the Commissioner's regulations and reserves the determination of the instruction and related services to the CSE. There currently exists no instructional requirements for the general student population in need of such instruction, other than these stated minimums.

Throughout the 2021 - 2022 school year, the State Education Department received numerous inquiries from parents and caregivers regarding the extent to which they could request, or were entitled to receive, such instruction for students, including those who were immunocompromised. Schools also inquired as to how they should determine a student's eligibility for such instruction.

The proposed rule will give districts and parents or guardians clarity on the requirements for the application and provision of such instruction. The proposed rule will also establish, beginning with the 2023-2024 school year, increased minimum instructional requirements for students who are unable to attend school in person for at least ten days out of the next three months due to illness or injury that requires the student to remain at home or in a hospital or other institution for the treatment of children, other than a school.

Thus, the Department proposes to add a new section 100.22 to the Commissioner's regulations that:

- defines the terms tutor, school district of residence, and healthcare provider;
- requires medical verification from the student's treating healthcare provider as well as a request for home, hospital, or institutional instruction from a parent or guardian;
- establishes a time frame for review of the request, including the ability to appeal a denial thereof to a board of education;
- identifies minimum requirements for instruction to continue a student's academic progress, including the development of an instructional plan in consultation with the parent or guardian and, where appropriate, the student; and
- effective July 1, 2023, increases the minimum instruction hours to at least 10 hours of instruction per week at the elementary level and at least 15 hours of instruction at the secondary level, unless a lesser period is requested by the parent or guardian and supported by documentation submitted by a treating physician.

Additionally, the Department proposes to amend section 200.6 of the Commissioner's regulations to provide that the amount of home, hospital, and institutional instruction for students with disabilities conforms to the increased requirements of section 100.22.

4. COSTS:

(a) Costs to State government: There are no additional costs to State government.

(b) Costs to local government: Consistent with statute, the proposed amendment increases the minimum instruction hours, effective July 1, 2023, to at least 10 hours of instruction per week at the elementary level and at least 15 hours of instruction at the secondary level, unless a lesser period is requested by the parent or guardian and supported by documentation submitted by a treating physician. There may be costs to school districts to provide these increased hours of instruction to homebound students. These costs will vary based on the number of resident students receiving such instruction in a school district. The Department has

provided for an effective date of July 1, 2023 for this requirement to allow districts sufficient time to budget for these potential costs.

(c) Cost to private regulated parties: The proposed amendment does not impose any additional costs on regulated parties.

(d) Cost to the regulatory agency: The proposed amendment will not impose any additional costs on the Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment identifies minimum requirements for the provision of home, hospital, or institutional instruction by school districts to continue a student's academic progress, including the development of an instruction plan in consultation with the parent or guardian and, where appropriate, the student. Additionally effective July 1, 2023, the proposed rule increases the minimum instruction hours, to at least 10 hours of instruction per week at the elementary level and at least 15 hours of instruction at the secondary level, unless a lesser period is requested by the parent or guardian and supported by documentation submitted by a treating physician. The proposed amendment also sets forth procedures school districts must follow when a request for such instruction has been received. The district must: (1) forward the request to the school's medical director, who shall review the request; (2) provide instructional service to the student within five days after the school district receives notification of the student's medication condition or within five school days from the parent or guardian's request for homebound instruction, whichever occurs first; (3) notify the parent or guardian regarding the medical director's approval or reason(s) for denial within five school days after receipt of written medication verification from the student's treating health care provider; and (4) provide instructional services to the students during the time period where the school medical director is considering the request for instruction and while an appeal of a denial of such instruction is pending.

6. PAPERWORK:

The proposed amendment identifies minimum requirements for the provision of home, hospital, or institutional instruction by school districts to continue a student's academic progress, including the development of an instruction plan in consultation with the parent or guardian and, where appropriate, the student. Such plan must include but is not limited to: (1) the number of hours per week and hours per day that the student will receive instructional services; (2) the method by which instructional services will be delivered; (3) the location where instructional services will be provided; and (4) an explanation of how the instructional services will enable the student to maintain academic progress.

7. DUPLICATION:

The proposed amendment does not duplicate any other existing State or Federal requirements.

8. ALTERNATIVES:

The proposed rule is necessary to implement Regents' policy regarding the provision of instruction to students in a home, hospital or institutional setting other than a school (homebound instruction). Therefore, no significant alternatives were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

The proposed amendment will take effect as an emergency rule on July 1, 2022. It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the September 2022 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the September 2022 meeting, the proposed amendment will become effective as a permanent rule on September 28, 2022. The proposed rule sets an effective date of July 1, 2023 for the required increased hours of homebound instruction. It is anticipated that regulated parties will be able to comply with the proposed amendment by the effective date.

Regulatory Flexibility Analysis

(a) Small businesses:

The proposed amendment is necessary to implement Regents' policy regarding the provision of instruction to students in a home, hospital or institutional setting other than a school (homebound instruction). Because it is evident from the nature of the proposed rule that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(b) Local governments:

1. EFFECT OF RULE:

The rule applies to all school districts in the State which have resident students requiring the provision of home, hospital, or institutional instruction.

2. COMPLIANCE REQUIREMENTS:

Home, hospital, or institutional instruction is an educational service provided by a school district to resident students (public and non-public) who are anticipated to be unable to attend school in person for at least ten

days in a three-month period due to physical, mental, or emotional illness or injury. Such instruction ensures that students can continue learning and working towards mastery of learning standards while unable to attend school for a significant period of time for reasons beyond their control.

Currently, Commissioner's regulations only address instruction provided to students cared for in hospitals or other institutions which provide for the care, custody, and treatment of children, other than a school setting, pursuant to Education Law § 3202(6) (8 NYCRR 175.21). This section of regulation pertains to average daily attendance and average daily membership for determination of state aid and establishes a minimum of 5 (elementary school level) or 10 (secondary level) hours of instruction per week.

For students with disabilities who are recommended for home, hospital, or institutional instruction by a committee on special education (CSE), section 200.6 of the Commissioner's regulations requires the same minimum hours for elementary and secondary levels as prescribed in section 175.21 of the Commissioner's regulations and reserves the determination of the instruction and related services to the CSE. There currently exists no instructional requirements for the general student population in need of such instruction, other than these stated minimums.

Throughout the 2021 -2022 school year, the State Education Department received numerous inquiries from parents and caregivers regarding the extent to which they could request, or were entitled to receive, "homebound" instruction for students, including those who were immunocompromised. Schools also inquired as to how they should determine a student's eligibility for such instruction.

The proposed rule will give districts and parents or guardians clarity on the requirements for the application and provision of such instruction. The proposed rule will also establish, beginning with the 2023-2024 school year, increased minimum instructional requirements for students who are unable to attend school in person for at least ten days out of the next three months due to illness or injury that requires the student to remain at home or in a hospital or other institution for the treatment of children, other than a school.

Thus, the Department proposes to add a new section 100.22 to the Commissioner's regulations that:

- defines the terms tutor, school district of residence, and healthcare provider;
- requires medical verification from the student's treating healthcare provider as well as a request for home, hospital, or institutional instruction from a parent or guardian;
- establishes a time frame for review of the request, including the ability to appeal a denial thereof to a board of education;
- identifies minimum requirements for instruction to continue a student's academic progress, including the development of an instructional plan in consultation with the parent or guardian and, where appropriate, the student; and
- effective July 1, 2023, increases the minimum instruction hours to at least 10 hours of instruction per week at the elementary level and at least 15 hours of instruction at the secondary level, unless a lesser period is requested by the parent or guardian and supported by documentation submitted by a treating physician.

Additionally, the Department proposes to amend section 200.6 of the Commissioner's regulations to provide that the amount of home, hospital, and institutional instruction for students with disabilities conforms to the increased requirements of section 100.22.

3. PROFESSIONAL SERVICES:

The proposed rule does not impose any additional professional services requirements on local governments.

4. COMPLIANCE COSTS:

Consistent with statute, the proposed amendment increases the minimum homebound instruction hours, effective July 1, 2023, to at least 10 hours of instruction per week at the elementary level and at least 15 hours of instruction at the secondary level, unless a lesser period is requested by the parent or guardian and supported by documentation submitted by a treating physician. There may be costs to school districts to provide these increased hours of instruction to homebound students. These costs will vary based on the number of resident homebound students in a school district. The Department has provided for an effective date of July 1, 2023 for this requirement to allow districts sufficient time to budget for these potential costs.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any technological requirements on local governments. Regarding economic feasibility see "COSTS" section above.

6. MINIMIZING ADVERSE IMPACT:

The proposed rule is necessary to implement Regents' policy regarding the provision of instruction to students in a home, hospital or institutional setting other than a school (homebound instruction). While school districts may incur costs in implementing the proposed rule as outlined in the

“COSTS” section above, the proposed rule is necessary to ensure that students receive meaningful and appropriate instruction while at home, in hospital, or an institutional setting due to illness or injury. There were no significant alternatives considered.

7. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State, from the chief school officers of the five big city school districts.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed rule applies to all school districts in the State which have resident students requiring the provision of home, hospital, or institutional (homebound) instruction, including those located in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

2. REPORTING, RECORDKEEPING, AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

The proposed amendment identifies minimum requirements for the provision of such instruction by school districts to continue a student's academic progress, including the development of an instruction plan in consultation with the parent or guardian and, where appropriate, the student. Such plan must include but is not limited to: (1) the number of hours per week and hours per day that the student will receive instructional services; (2) the method by which instructional services will be delivered; (3) the location where instructional services will be provided; and (4) an explanation of how the instructional services will enable the student to maintain academic progress.

Additionally effective July 1, 2023, the proposed rule increases the minimum instruction hours, to at least 10 hours of instruction per week at the elementary level and at least 15 hours of instruction at the secondary level, unless a lesser period is requested by the parent or guardian and supported by documentation submitted by a treating physician.

The proposed amendment also sets forth procedures school districts must follow when a request for home, hospital, or institutional has been received. The district must: (1) forward the request to the school's medical director, who shall review the request; (2) provide instructional service to the student within five days after the school district receives notification of the student's medication condition or within five school days from the parent or guardian's request for homebound instruction, whichever occurs first; (3) notify the parent or guardian regarding the medical director's approval or reason(s) for denial within five school days after receipt of written medication verification from the student's treating health care provider; and (4) provide instructional services to the students during the time period where the school medical director is considering the request for instruction and while an appeal of a denial of such instruction is pending.

3. COMPLIANCE COSTS:

Consistent with statute, the proposed amendment increases the minimum home, hospital, or institutional instruction hours, effective July 1, 2023, to at least 10 hours of instruction per week at the elementary level and at least 15 hours of instruction at the secondary level, unless a lesser period is requested by the parent or guardian and supported by documentation submitted by a treating physician. There may be costs to school districts, including those located in rural areas, to provide these increased hours of such instruction to students. These costs will vary based on the number of resident students needing such instruction in a school district. The Department has provided for an effective date of July 1, 2023 for this requirement to allow districts sufficient time to budget for these potential costs.

4. MINIMIZING ADVERSE IMPACT:

The proposed rule is necessary to implement Regents' policy regarding the provision of instruction to students in a home, hospital or institutional setting other than a school (homebound instruction). Because the purpose of the proposed amendment is to ensure that all students receive meaningful and appropriate instruction while at home, in hospital, or an institutional setting due to illness or injury, no alternatives were considered for school districts located in rural areas.

5. RURAL AREA PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State, from the chief school officers of the five big city school districts, including those in rural areas.

Job Impact Statement

The purpose of the proposed rule is to implement Regents' policy regarding the provision of instruction to students in a home, hospital or institutional setting other than a school (homebound instruction). Because it is evident from the nature of the proposed rule that it will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Implementing the Dominic Murray Sudden Cardiac Arrest Prevention Act

I.D. No. EDU-22-22-00009-P

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

Proposed Action: Addition of section 136.9; and amendment of section 135.5 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 305, 923, 3001-b and 3001-c; L. 2021, ch. 500

Subject: Implementing the Dominic Murray Sudden Cardiac Arrest Prevention Act.

Purpose: To implement the Dominic Murray Sudden Cardiac Arrest Prevention Act.

Text of proposed rule: 1. Part 136 of the Regulations of the Commissioner of Education is amended by adding a new section 136.9 to read as follows:

Section 136.9. Sudden Cardiac Arrest

(a) Applicability.

(1) *The provisions of this section relate to pupils who display signs or symptoms of pending or increased risk of sudden cardiac arrest while engaging in athletic activities.*

(2) *The provisions of this section shall apply to all school districts, charter schools, and nonpublic schools.*

(b) Definitions. As used in this section:

(1) *Athletic activities mean participation in physical education class or extra class athletic activities that involve physical activities that result in participants' increased heart and respiratory rates.*

(c) *Extra-class athletic activities means those sessions organized for instruction and practice in skills, attitudes, and knowledge through participation in individual, group, and team activities organized on an intramural, extramural, or interschool athletic basis to supplement regular physical education class instruction.*

(d) Requirements.

(1) *The Department shall post on its website information developed by the Commissioner of Health, in conjunction with the Commissioner, relating to students who exhibit signs or symptoms of pending or increased risk of sudden cardiac arrest. Such information shall include, but not be limited to:*

(i) *The definition of sudden cardiac arrest; and*

(ii) *signs and symptoms of pending or increased risk of sudden cardiac arrest.*

(2) *A school shall include the information required under paragraph (1) of this subdivision in any document that may be required from a parent or person in parental relation for a pupil's participation in interscholastic sports, including a permission or consent form.*

(3) *A school shall include the information required under paragraph (1) of this subdivision on its website, if in existence, or reference how to obtain such information from the webpages where such information is available from the Department and the Department of Health.*

(e) Removal from athletic activities.

(1) *Any pupil who displays signs or symptoms of pending or increased risk of sudden cardiac arrest must be immediately removed from athletic activities.*

(2) *No such pupil shall resume athletic activity until he or she has been evaluated by and received written and signed authorization from, a licensed physician. With respect to extra class athletic activities for pupils attending a public school, no such pupil shall resume such activities until he or she has received clearance from the director of school health services to participate in such activity.*

(i) *Such authorization shall be kept on file in the pupil's permanent health record.*

(ii) *The school must abide by any limitations or restrictions concerning school attendance and activities issued by the pupil's treating physician.*

2. Section 135.5 of the Regulations of the Commissioner of Education is amended to read as follows:

Section 135.5. First aid knowledge and skills requirements for coaches

(a) *Coaches of extra class periods in physical education, as defined in section 135.1(h) of this Part, shall meet the requirements of this section.*

(b) *Except as provided in subdivision (c) of this section, all coaches must hold valid certification in first aid knowledge and skills, including*

instruction in the administration of adult cardiopulmonary resuscitation, as issued by [the American National Red Cross] *a nationally recognized organization, as defined in Public Health Law § 3000-b(1)(d)*, or meet equivalent requirements as set forth in this section.

(c) By January 15, 1993, all coaches employed on or after January 15, 1992, must hold valid certification in first aid knowledge and skills, including instruction in administration of adult cardiopulmonary resuscitation, as issued by [the American National Red Cross] *a nationally recognized organization, as defined in Public Health Law § 3000-b(1)(d)*, or meet equivalent requirements as set forth in this section.

(d) For the purpose of this section, the following shall be deemed as equivalent to certification in first aid knowledge and skills, including instruction in administration of adult cardiopulmonary resuscitation as issued by [the American National Red Cross] *a nationally recognized organization, as defined in Public Health Law § 3000-b(1)(d)*:

(1) completion of an approved course for coaches in first aid knowledge and skills, including instruction in administration of adult cardiopulmonary resuscitation and instruction in recognizing signs and symptoms of cardiac arrest and sudden cardiac arrest;

(2) completion of an approved college or university first aid knowledge and skills course, including instruction in administration of adult cardiopulmonary resuscitation and instruction in recognizing signs and symptoms of cardiac arrest and sudden cardiac arrest;

(3) completion of approved college or university courses in athletic training and sports medicine, which include first aid knowledge and skills, including instruction in administration of adult cardiopulmonary resuscitation and instruction in recognizing signs and symptoms of cardiac arrest and sudden cardiac arrest; or

(4) equivalent experience which is approved by the Commissioner of Education.

(e) Except as provided in subdivision (c) of this section, prior to the start of each sports season, coaches must provide valid evidence to their chief school officer that their first aid and adult cardiopulmonary resuscitation knowledge and skills are current pursuant to the requirements established by [the American National Red Cross] *a nationally recognized organization, as defined in Public Health Law § 3000-b(1)(d)*, or that they meet equivalent requirements as set forth in subdivision (d) of this section.

Text of proposed rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: Kathleen DeCataldo, Assistant Commissioner, Office of Student Support Services, NYS Education Department, 89 Washington Avenue, Room 318-M-EB, Albany, NY 12234, (518) 473-2890, email: REGCOMMENTS@nysed.gov

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Section 101 of the Education Law continues the existence of the Education Department, with the Board of Regents as its head, and authorizes the Regents to appoint the Commissioner as chief administrative officer of the Department, which is charged with the general management and supervision of public schools and the educational work of the State.

Section 207 of the Education Law grants general rule making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

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

Section 923 of the Education Law, as added by the Dominic Murray Sudden Cardiac Prevention Act, Chapter 500 of the Laws of 2021 (Chapter 500), directs the Commissioner to review information developed by the Commissioner of Health relating to students exhibiting signs or symptoms of pending or increased risk of cardiac arrest and to post such information on the Department's website. It also requires the Commissioner to promulgate regulations requiring that any student showing signs or symptoms of pending or increased risk of sudden cardiac arrest be immediately removed from athletic activities and not resume until he or she has been evaluated by and received written authorization from a licensed physician.

Section 3001-b of the Education Law, as amended by Chapter 500, requires coaches of athletic activity in a public school to be certified in first aid, including recognizing signs and symptoms of sudden cardiac arrest.

Section 3001-c of the Education Law, as amended by Chapter 500, requires coaches of athletic activity in a non-public school to be certified

in first aid, including recognizing signs and symptoms of sudden cardiac arrest.

2. LEGISLATIVE OBJECTIVES:

The proposed rule is consistent with the above statutory authority and is necessary to conform Commissioner's regulations to, and implement, Chapter 500, which added a new section 923 to the Education Law, effective July 1, 2022, to require that any student displaying signs or symptoms of pending or increased risk of sudden cardiac arrest shall be immediately removed from athletic activities and shall not resume athletic activity until he or she has been evaluated by and received written and signed authorization from a licensed physician.

3. NEEDS AND BENEFITS:

Chapter 500:

- requires the Commissioner of Health to develop information, in conjunction with the Commissioner of Education, relating to pupils exhibiting signs or symptoms of pending or increased risk of sudden cardiac arrest;

- directs the Commissioner of Education to review such information created by the Department of Health and post such information on the Department's website;

- requires all schools to include such information in any permission form, consent form, or similar document that may be required for a student's participation in interscholastic athletics and include such information, or reference how to obtain such information from the Department and Department of Health's websites, on the school's website, if one exists;

- requires the Commissioner of Education to promulgate regulations requiring that any student displaying signs or symptoms of pending or increased risk of sudden cardiac arrest shall be immediately removed from athletic activities and shall not resume athletic activity until he or she has been evaluated by and received written and signed authorization from a licensed physician; - such authorization must be kept on file in the pupil's permanent health record; and

- removes the reference to "the American National Red Cross" and replaces such term with "a nationally recognized organization" as defined in Public Health Law § 3000-b(1)(d), regarding completion of a course of study in first aid knowledge and skills by public and nonpublic school coaches of extra-class activities.

Therefore, the Department proposes to add a new section 136.9 and amend section 135.5 of the Commissioner's regulations to implement the above provisions of the Dominic Murray Sudden Cardiac Arrest Prevention Act.

4. COSTS:

(a) Costs to State government: The proposed rule implements statutory requirements and establishes standards as directed by statute, and will not impose any additional costs on State government beyond those imposed by the statutory requirements.

(b) Costs to local government: There are no additional costs to local governments beyond those imposed by statute.

(c) Cost to private regulated parties: The proposed rule does not impose any additional costs to regulated parties beyond those imposed by statute.

(d) Cost to the regulatory agency: The proposed rule does not impose any additional costs on the Department beyond those imposed by statute.

5. LOCAL GOVERNMENT MANDATES:

The proposed rule does not impose any program, service, duty, or responsibility upon local governments beyond those imposed by statute. Consistent with Chapter 500, the proposed rule requires schools to include the information developed in any document that may be required from a parent or person in parental relation for a pupil's participation in interscholastic sports, including a permission or consent form. Schools must also include such information on its website, if in existence, or reference how to obtain such information from the webpages where such information is available from the State Education Department and the Department of Health. Additionally, the proposed rule requires that when a pupil is removed from athletic activities no such pupil shall resume athletic activity until he or she has been evaluated by and received written and signed authorization from licensed physician. Such authorization must be kept on file in the pupil's permanent health record and the school must abide by any limitations or restrictions concerning school attendance and activities issued by the pupil's treating physician.

6. PAPERWORK:

The proposed amendment is necessary to implement Chapter 500, and does not impose any specific recordkeeping, reporting or other paperwork requirements beyond those inherent in the statute. Consistent with the statute, the proposed amendment requires that schools include information relating to students exhibiting signs or symptoms of pending or increased risk of sudden cardiac arrest in any permission form or similar document that be required for a student's participation in interscholastic activities.

7. DUPLICATION:

The proposed amendment does not duplicate any other existing State or Federal requirements.

8. ALTERNATIVES:

The proposed rule is necessary to conform the Commissioner's regulations to Chapter 500. There are no significant alternatives to the proposed rule available and none were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the September 2022 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the September 2022 meeting, the proposed amendment will become effective on September 28, 2022. It is anticipated that regulated parties will be able to comply with the proposed amendment by the effective date.

Regulatory Flexibility Analysis**(a) Small businesses:**

The proposed rule is necessary to conform Commissioner's regulations to, and implement, Chapter 500 of the Laws of 2021 (Chapter 500), which added a new section 923 to the Education Law, effective July 1, 2022, to require that any student displaying signs or symptoms of pending or increased risk of sudden cardiac arrest shall be immediately removed from athletic activities and shall not resume athletic activity until he or she has been evaluated by and received written and signed authorization from a licensed physician. Because it is evident from the nature of the proposed amendment that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(b) Local governments:**1. EFFECT OF RULE:**

The proposed amendment applies to each of the 673 school districts in the State and all charter and nonpublic schools.

2. COMPLIANCE REQUIREMENTS:

The proposed rule is necessary to conform Commissioner's regulations to, and implement, Chapter 500, which added a new section 923 to the Education Law, effective July 1, 2022, to require that any student displaying signs or symptoms of pending or increased risk of sudden cardiac arrest shall be immediately removed from athletic activities and shall not resume athletic activity until he or she has been evaluated by and received written and signed authorization from a licensed physician. The proposed rule does not impose any program, service, duty, or responsibility upon local governments beyond those imposed by statute. Consistent with Chapter 500, the proposed rule requires schools to include the information developed in any document that may be required from a parent or person in parental relation for a pupil's participation in interscholastic sports, including a permission or consent form. Schools must also include such information on its website, if in existence, or reference how to obtain such information from the webpages where such information is available from the State Education Department and the Department of Health. Additionally, the proposed rule requires that when a pupil is removed from athletic activities no such pupil shall resume athletic activity until he or she has been evaluated by and received written and signed authorization from licensed physician. Such authorization must be kept on file in the pupil's permanent health record and the school must abide by any limitations or restrictions concerning school attendance and activities issued by the pupil's treating physician.

3. NEEDS AND BENEFITS:**Chapter 500:**

- requires the Commissioner of Health to develop information, in conjunction with the Commissioner of Education, relating to pupils exhibiting signs or symptoms of pending or increased risk of sudden cardiac arrest;
- directs the Commissioner of Education to review such information created by the Department of Health and post such information on the Department's website;
- requires all schools to include such information in any permission form, consent form, or similar document that may be required for a student's participation in interscholastic athletics and include such information, or reference how to obtain such information from the Department and Department of Health's websites, on the school's website, if one exists;
- requires the Commissioner of Education to promulgate regulations requiring that any student displaying signs or symptoms of pending or increased risk of sudden cardiac arrest shall be immediately removed from athletic activities and shall not resume athletic activity until he or she has been evaluated by and received written and signed authorization from a licensed physician; - such authorization must be kept on file in the pupil's permanent health record; and
- removes the reference to "the American National Red Cross" and re-

places such term with "a nationally recognized organization" as defined in Public Health Law § 3000-b(1)(d), regarding completion of a course of study in first aid knowledge and skills by public and nonpublic school coaches of extra-class activities.

Therefore, the Department proposes to add a new section 136.9 and amend section 135.5 of the Commissioner's regulations to implement the above provisions of the Dominic Murray Sudden Cardiac Arrest Prevention Act.

4. PROFESSIONAL SERVICES:

The proposed amendment does not require any additional professional service requirement on local governments.

5. COMPLIANCE COSTS:

In general, the proposed amendment does not impose any additional costs on local governments beyond those inherent in statute.

6. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional costs or technological requirements on local governments.

7. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to conform the Commissioner's regulations to, and implement, Chapter 500. Accordingly, no alternatives were considered.

8. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State and from the chief school officers of the five big city school districts and from charter schools.

Rural Area Flexibility Analysis**1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:**

The proposed rule applies to all public and non-public schools, including those located in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

The proposed rule does not impose any program, service, duty, or responsibility on entities in rural areas beyond those imposed by statute. Consistent with Chapter 500, the proposed rule requires schools to include the information developed in any document that may be required from a parent or person in parental relation for a pupil's participation in interscholastic sports, including a permission or consent form. Schools must also include such information on its website, if in existence, or reference how to obtain such information from the webpages where such information is available from the State Education Department and the Department of Health. Additionally, the proposed rule requires that when a pupil is removed from athletic activities no such pupil shall resume athletic activity until he or she has been evaluated by and received written and signed authorization from licensed physician. Such authorization must be kept on file in the pupil's permanent health record and the school must abide by any limitations or restrictions concerning school attendance and activities issued by the pupil's treating physician.

3. COSTS:

The proposed rule does not impose any additional costs beyond those required by statute.

4. MINIMIZING ADVERSE IMPACT:

The proposed rule is necessary to implement the provisions of Chapter 500. Because of the nature of the proposed rule, alternative approaches for rural areas were not considered.

5. RURAL AREAS OF PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State, from the chief school officers of the five big city school districts and from charter schools, including those in rural areas.

Job Impact Statement

The proposed rule is necessary to conform the Regulations of the Commissioner of Education (Commissioner's regulations) to Chapter 500 of the Laws of 2021 (Chapter 500). Chapter 500, effective July 1, 2022, establishes the Dominic Murray Sudden Cardiac Arrest Prevention Act ("the Act") which:

- requires the Commissioner of Health to develop information, in conjunction with the Commissioner of Education, relating to pupils exhibiting signs or symptoms of pending or increased risk of sudden cardiac arrest;
- directs the Commissioner of Education to review such information created by the Department of Health and post such information on the Department's website;
- requires all schools to include such information in any permission form, consent form, or similar document that may be required for a student's participation in interscholastic athletics and include such information, or reference how to obtain such information from the Department

and Department of Health's websites, on the school's website, if one exists;

- requires the Commissioner of Education to promulgate regulations requiring that any student displaying signs or symptoms of pending or increased risk of sudden cardiac arrest shall be immediately removed from athletic activities and shall not resume athletic activity until he or she has been evaluated by and received written and signed authorization from a licensed physician; - such authorization must be kept on file in the pupil's permanent health record; and

- removes the reference to "the American National Red Cross" and replaces such term with "a nationally recognized organization" as defined in Public Health Law § 3000-b(1)(d), regarding completion of a course of study in first aid knowledge and skills by public and nonpublic school coaches of extra-class activities.

Therefore, the Department proposes to add a new section 136.9 and amend section 135.5 of the Commissioner's regulations to implement the above provisions of Chapter 500.

The proposed rule will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed rule that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Session Days and Time Spent in Assessments

I.D. No. EDU-22-22-00011-P

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

Proposed Action: Amendment of section 175.5 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 305, 3602, 3604 and 3609-a

Subject: Session days and time spent in assessments.

Purpose: To define session days and to count time spent in assessments toward the minimum instructional hour requirement.

Text of proposed rule: 1. Subdivision (b) of section 175.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(b) [Definition] *Definitions.*

(1) "Instructional hours" shall mean an hour or a fraction of an hour, during which students are receiving instruction from a certified teacher pursuant to Part 80 of this Title in an academic subject and/or periods of time during which students are engaged in supervised study activities, including completing homework and/or the review of homework. Instructional hours shall not include periods of time where instruction and/or supervised study time is not provided to students, such as lunch or recess.

(2) "Session day" shall mean a day when school is held and instruction is provided to students. This may be any day, excluding Saturdays and legal holidays pursuant to Education Law § 3604(8), from the first day in which attendance may be required pursuant to Education Law § 3205(1)(c) until the end of the school year, plus superintendents' conference days.

2. Subdivision (i) of section 175.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(i) Regents examinations and other [state] assessments.

(1) ...

(2) ...

(3) ...

(4) *Other examinations and assessments. Time spent on session days where other assessments are administered may count toward the annual minimum instructional hour requirement provided such assessments are administered by a certified teacher, attendance is taken, and students not sitting for such assessments receive instruction during such time. Grade levels that are excused from instruction on such days may not have this time count toward the requirement.*

Text of proposed rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: Sean Giambattista, Director, NYS Education Department, Office of Education Finance, 89 Washington Avenue, Room 145EB, Albany, NY 12234, (518) 474-2977, email: REGCOMMENTS@nysed.gov

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

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

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

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

Education Law § 3602 provides for the apportionment of public moneys to school districts employing eight or more teachers.

Education Law § 3604 provides the conditions under which districts are entitled to apportionment of state funds.

Education Law § 3609-a provides for the when and how apportioned moneys are payable commencing July 1, 2007.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to provide schools districts with clarity around what scheduled days of session count towards the 180-day requirement as well as clarity around instructional hours during assessments and when time spent in assessments can be counted as instructional.

3. NEEDS AND BENEFITS:

At its September 2018 meeting, the Board of Regents adopted an amendment to section 175.5 of the Commissioner's regulations replacing the daily minimum instructional hour requirement with an aggregate annual requirement to provide school districts additional flexibility when establishing their school calendars. Prior to adoption of the annual instructional requirement, a session day was one on which the minimum daily hours of instruction were provided. Since this is unclear under the annual instructional hour paradigm, a new definition is necessary. The proposed amendment defines a day of session, for purposes of determining whether a public school has provided the minimum, 180 days of instruction to receive State Aid, as a day when school is held and instruction is provided. It would further clarify that session may be held on any day during the school year under which attendance may be required pursuant to Education Law § 3205(1)(c); that is, after September 1 of each year, exclusive of Saturdays and holidays pursuant to Education Law § 3602(8), plus superintendents' conference days.

This proposed amendment would also clarify that time spent in other assessments administered by certified teachers may be counted towards the aggregate annual instructional hour minimum, provided that all students are sitting for the assessment or provided instruction, and attendance is taken. This amendment formalizes the practice that local examinations and other assessments are part of a district's instructional plan and should not be excluded from instructional time. Districts must provide instruction to all students not sitting for assessments or the district may not count this time toward the annual minimum instructional hour requirement, except in the case of grades 7-12 during Regents exams as previously provided for in subdivision (i) of this regulation.

4. COSTS:

Cost to the State: None.

Costs to local government: There are no additional costs to local governments.

Cost to private regulated parties: There are no additional costs to private regulated parties.

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

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any additional program, service, duty or responsibility upon local governments. Instead, the proposed amendment provides districts with additional clarity and predictability around meeting the statutory and regulatory minimum days and hours of instruction to avoid reductions in state funding.

6. PAPERWORK:

The proposed amendment requires no additional paperwork.

7. DUPLICATION:

The proposed amendment does not duplicate existing State or federal requirements.

8. ALTERNATIVES:

The proposed amendment is necessary to provide clarity to districts around the calculation of the minimum instructional hour and session day requirements. Accordingly, no alternatives were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the September 2022 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the September 2022 meeting, the proposed amendment will become effective on September 28, 2022. It is anticipated that regulated parties will be able to comply with the proposed amendment by the effective date.

Regulatory Flexibility Analysis

(a) Small businesses:

The proposed rule is necessary to provide schools districts clarity around what scheduled days of session count towards the 180-day requirement and around instructional hours during assessments. Furthermore, the proposed rule makes explicit that time spent in assessments can be counted as instructional so long as assessed by a certified teacher, all students receive instruction, and attendance is taken. The proposed rule imposes no additional recordkeeping or other compliance requirements, nor additional professional services.

Because it is evident from the nature of the proposed amendment that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(b) Local governments:

1. EFFECT OF RULE:

The proposed amendment applies to each of the 673 public school districts in the State.

2. COMPLIANCE REQUIREMENTS:

The proposed rule is necessary to provide schools districts clarity around what scheduled days of session count towards the 180-day requirement and around instructional hours during assessments. Furthermore, the proposed rule makes explicit that time spent in assessments can be counted as instructional so long as assessed by a certified teacher, all students receive instruction, and attendance is taken. The proposed rule imposes no additional recordkeeping or other compliance requirements, nor additional professional services. The proposed regulation does not impose any program, service, duty, or responsibility on local governments.

3. NEEDS AND BENEFITS:

At its September 2018 meeting, the Board of Regents adopted an amendment to section 175.5 of the Commissioner's regulations replacing the daily minimum instructional hour requirement with an aggregate annual requirement to provide school districts additional flexibility when establishing their school calendars. Prior to adoption of the annual instructional requirement, a session day was one on which the minimum daily hours of instruction were provided. Since this is unclear under the annual instructional hour paradigm, a new definition is necessary. The proposed amendment defines a day of session, for purposes of determining whether a public school has provided the minimum, 180 days of instruction to receive State Aid, as a day when school is held and instruction is provided. It would further clarify that session may be held on any day during the school year under which attendance may be required pursuant to Education Law § 3205(1)(c), that is, after September 1 of each year, exclusive of Saturdays and holidays pursuant to Education Law § 3602(8), plus superintendents' conference days.

This proposed amendment would also clarify that time spent in other assessments administered by certified teachers may be counted towards the aggregate annual instructional hour minimum, provided that all students are sitting for the assessment or provided instruction, and attendance is taken. This amendment formalizes the practice that local examinations and other assessments are part of a district's instructional plan and should not be excluded from instructional time. Districts must provide instruction to all students not sitting for assessments or the district may not count this time toward the annual minimum instructional hour requirement, except in the case of grades 7-12 during Regents exams as previously provided for in subdivision (i) of this regulation.

4. PROFESSIONAL SERVICES:

The proposed amendment does not require any additional professional service requirement on local governments.

5. COMPLIANCE COSTS:

In general, the proposed amendment does not impose any additional costs on local governments.

6. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional costs or technological requirements on local governments.

7. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to provide clarity to districts around the calculation of the minimum instructional hour and session day requirements. Accordingly, no alternatives were considered.

8. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State and from the chief school officers of the five big city school districts.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed rule applies to all school districts in the State with at least eight teachers, including those located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less.

2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

The proposed rule is necessary to provide schools districts clarity around what scheduled days of session count towards the 180-day requirement and around instructional hours during assessments. Furthermore, the proposed rule makes explicit that time spent in assessments can be counted as instructional so long as assessed by a certified teacher, all students receive instruction, and attendance is taken. The proposed rule imposes no additional recordkeeping or other compliance requirements, nor additional professional services.

3. COSTS:

The proposed amendment does not impose any additional costs on the State, regulated parties, or the State Education Department, beyond those inherent in the regulation.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment provides school districts with additional clarity around calculating the minimum instructional days and hours. Because the statutory requirement upon which the proposed amendment is based applies to all schools in the State as defined in Education Law § 1125(10), it is not possible to establish differing compliance or reporting requirements or timetables or to exempt schools in rural areas from coverage by the proposed amendment.

5. RURAL AREA PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State, including those located in rural areas.

Job Impact Statement

The proposed rule is necessary for the preservation of the general welfare to provide schools districts clarity around what scheduled days of session count towards the 180-day requirement and around instructional hours during assessments. Furthermore, the proposed rule makes explicit that time spent in assessments can be counted as instructional so long as assessed by a certified teacher, all students receive instruction, and attendance is taken.

Because it is evident from the nature of the proposed amendment that it will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Students with Disabilities Certificate

I.D. No. EDU-22-22-00012-P

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

Proposed Action: Amendment of sections 52.21, 57-3.1, 57-3.7, 80-1.2, 80-1.5, 80-1.12, 80-3.2, 80-3.7, 80-4.3 and 80-4.4 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 208, 305, 308, 3001, 3004 and 3009

Subject: Students with Disabilities Certificate.

Purpose: To establish the Students with Disabilities (All Grades) certificate, revise the registration requirements for Students with Disabilities (Birth-Grade 2) programs, and revise the requirements for the extension and limited extension to teach certain subjects to students with disabilities.

Substance of proposed rule (Full text is posted at the following State website: <http://www.counsel.nysed.gov/rules/full-text-indices>): Registered Students with Disabilities (All Grades) Programs:

The Department proposes to amend section 52.21 of the Commissioner's regulations to create registration requirements for programs leading to the Initial and/or Professional SWD (All Grades) certificates. The Department would no longer register programs leading to the current SWD (Grades 1-6) and SWD (Grades 7-12) certificates on or after October 1, 2022, and would begin registering SWD (All Grades) programs on the effective date of the proposed amendment.

For institutions that currently have registered SWD (Grades 1-6) and SWD (Grades 7-12) programs, the programs would no longer be registered with the Department on or after September 1, 2029. The deadline of September 1, 2029, provides a sufficient transition period for institutions to register SWD (All Grades) programs and allows candidates to complete their current students with disabilities programs.

All registered teacher preparation programs leading to initial certification include a content core and a pedagogical core. The content core requirement for registered programs leading to the proposed SWD (All Grades) certificate is the same as the content core requirement for programs leading to the current SWD (Grades 7-12) certificate. Specifically, programs would require candidates to complete a major, concentration, or the equivalent in one or more of the liberal arts and sciences. In addition, they would complete a minimum of six semester hours in each of the subject areas of mathematics, English language arts, social studies, and science (total of 24 semester hours) and have sufficient pedagogical skills to teach these subject areas.

The pedagogical core requirements for registered programs leading to the proposed SWD (All Grades) certificate would focus on developing the same comprehensive knowledge, understanding, and skills for teaching students with disabilities in current SWD programs, but cover the broader student developmental level of the certificate (pre-Kindergarten to grade 12) and include teaching students with disabilities who are culturally and linguistically diverse.

Candidates who begin a proposed SWD (All Grades) program prior to the fall 2023 semester would complete field experiences and student teaching experiences across the age/grade range of the student developmental level of the certificate, and if they are in a program with at least two student teaching experiences, would student teach in two settings: pre-kindergarten through grade 6 and grades 7 through 12. For candidates who begin in the fall 2023 semester and thereafter, the program would require a combination of clinical experiences across the age/grade range of the student developmental level of the certificate, including pre-kindergarten through grade 6 and grades 7 through 12.

Students with Disabilities (All Grades) Certificate:

The Department proposes to amend section 80-3.2 of the Commissioner's regulations to add the Students with Disabilities (All Grades) certificate to the list of certificate titles in the classroom teaching service, allowing candidates to be issued such certificate on the effective date of the proposed amendment.

The proposed amendment to section 80-1.2 of the Commissioner's regulations provides that the Department will not issue certificates in the SWD (Grades 1-6) and SWD (Grades 7-12) certificate titles, other than for the Professional certificate and reissuance of an Initial certificate, with an effective date that begins after September 1, 2030.

In addition, the Department may extend the effective date of such certificates, as applicable, after September 1, 2030, pursuant to the time extension requirements for certificates in section 80-1.6 of the Commissioner's regulations. The Professional certificate and reissuance of an Initial certificate in these certificate titles will continue to be issued, holding harmless candidates who have a valid or expired Initial SWD (Grades 1-6) and/or SWD (Grades 7-12) certificate.

The Department also proposes to amend section 80-3.7 of the Commissioner's regulations to allow candidates to apply for a SWD (All Grades) certificate through the individual evaluation pathway on the effective date of the proposed amendment. Candidates will continue to be able to apply for the SWD (Grades 1-6) and/or SWD (Grades 7-12) certificates through the individual evaluation pathway prior to September 1, 2023, and will be eligible for such certificates, provided that they meet all requirement(s) for the certificate prior to September 1, 2026. This timeline provides candidates with at least one year to apply and qualify for these current certificates through the individual evaluation pathway.

The content core requirement for the proposed SWD (All Grades) certificate is the same as the content core requirement for the SWD (Grades 7-12) certificate in the individual pathway to certification. Specifically, candidates would complete 30 semester hours of coursework in one or more of the liberal arts and sciences and six semester hours in each of the subject areas of mathematics, science, social studies, and English language arts within such content core.

The pedagogical coursework requirement for the proposed SWD (All Grades) certificate is the same as the pedagogical coursework requirements for the current SWD certificates in the individual evaluation pathway, except that six semester hours of coursework at a specified developmental level will no longer be required.

One of the exams required for the current SWD certificates is a multi-subject Content Specialty Test that assesses knowledge and skills in literacy and English language arts, mathematics, and arts and sciences. The multi-subject tests are tailored to the age/grade range of the current SWD certificates (e.g., Multi-subject: Secondary Teachers (Grade 7-Grade 12)), and candidates must pass the multi-subject test at the age/grade range of the certificate sought.

Since a multi-subject test that spans all grades currently does not exist, the Department proposes to amend section 80-1.5 of the Commissioner's regulations to require candidates to pass any one of the following tests for the proposed SWD (All Grades) certificate until a multi-subject content specialty test for such certificate title is developed and available: Multi-Subject, Multi-subject: Teachers of Childhood (Grade 1-Grade 6), Multi-subject: Teachers of Middle Childhood (Grade 5-Grade 9), or Multi-subject: Secondary Teachers (Grade 7-Grade 12) content specialty tests. Having options for the multi-subject test allows the proposed certificate to be accessible to candidates who passed one of these multi-subject tests for their current certificate or will graduate from a SWD (Grades 1-6) and SWD (Grades 7-12) program in the future.

Extensions:

Currently, institutions may register a program leading to an extension for the SWD (Grades 7-12) certificate that authorizes candidates to teach students with disabilities in certain subjects in grades 7-12. In addition, teachers who hold a SWD (Grades 5-9) or SWD (Grades 7-12) generalist or content specialist certificate, or a Permanent Special Education certificate, may obtain an extension to teach students with disabilities in certain subjects in grades 5-9 or grades 7-12. With this extension, special education teachers can teach a special class in a subject area in the grade level of the extension.

The Department proposes to amend section 52.21 of the Commissioner's regulations to allow SWD (All Grades) programs to lead to such extension and to reduce the number of semester hours required in the subject area of the extension from 18 to 12. Similarly, the proposal amends section 80-4.3(n) of the Commissioner's regulations to enable teachers who hold the SWD (All Grades) certificate to be eligible for such extension. In addition, the current extension requirements of 18 semester hours in the subject area of the extension and passing the content specialty test in the subject area of the extension would be replaced with 12 semester hours in the subject area of the extension or passing the content specialty test in the subject area of the extension.

Reducing the number of semester hours required in the subject area of the extension will permit candidates who are enrolled in the current SWD (Grades 7-12) program or proposed SWD (All Grades) program to efficiently complete the extension program, likely resulting in more candidates seeking the extension. This will, in turn, address the need for more special education teachers who are qualified to teach a special class in a subject area in grades 7-12. Further, permitting eligible special education teachers to obtain the extension by passing the content specialty test in the subject area of the extension, instead of requiring such eligible teachers to complete coursework, gives them an option for demonstrating their content knowledge while removing a potential financial barrier to certification.

The limited extension also enables teachers who hold a SWD (Grades 5-9) or SWD (Grades 7-12) generalist or content specialist certificate, or a Permanent Special Education certificate, to teach students with disabilities in certain subjects in grades 7-12, but only for a limited period of time. One of the options for obtaining the limited extension is to pass the content specialty test in the subject area of the limited extension. The Department proposes to amend section 80-4.3(t) of the Commissioner's regulations to remove this option for obtaining the limited extension because passing the content specialty test in the subject area will become an option for the extension to teach students with disabilities in certain subjects in grades 5-9 or grades 7-12, as described above. In addition, the proposed amendment will allow teachers who hold the SWD (All Grades) certificate to be eligible for the limited extension.

Additional Amendments:

Since SWD (Birth-Grade 2) programs would continue, the proposed amendment revises this program's pedagogical core requirement such that these programs will focus on developing comprehensive knowledge, understanding, and skills for teaching students with disabilities, including students with disabilities who are culturally and linguistically diverse. The addition of "students with disabilities who are culturally and linguistically diverse" is consistent with the proposed pedagogical core requirement for the SWD (All Grades) program. SWD (Birth-Grade 2) programs would need to include this new requirement by September 1, 2024, or at the time a new program is registered, whichever occurs first.

Additionally, the proposed amendment removes regulations relating to programs leading to teaching students with disabilities in middle childhood and the individual evaluation pathway for SWD (Grades 5-9) certification since these options no longer exist. The proposed amendment also adds the SWD (All Grades) certificate, or programs leading to this certificate, to regulations that list one or more special education certificates or programs in sections 52.21, 57-3.1, 57-3.7, 80-1.12, 80-4.4, and 200.20 of the Commissioner's regulations, as appropriate.

Finally, the proposed amendment includes technical revisions to internal citations to align the proposed amendment with the proposed Literacy (All Grades) certificate, which was proposed at the February 2022 meeting as an addition to section 80-3.7(a)(2) of the Commissioner's regulations.

Text of proposed rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: William P. Murphy, Deputy Commissioner, NYS Education Department, Office of Higher Education, 89 Washington Avenue, Room 975 EBA, Albany, NY 12234, (518) 486-3633, email: OHEREGComments@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law 101 charges the Department with the general management and supervision of all public schools and all of the educational work of the state.

Education Law 207 grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

Education Law 208 grants general rule-making authority to the Regents to confer suitable certificates, diplomas and degrees on persons who satisfactorily meet the requirements prescribed.

Education Law 305 authorizes the Commissioner to enforce the educational policies of this State and execute all educational policies determined by the Regents and shall prescribe the licensing of teachers employed in this State.

Education Law 3001 establishes the qualifications of teachers in the classroom.

Education Law 3004 authorizes the Commissioner to promulgate regulations governing the certification requirements for teachers employed in public schools.

Education Law 3009 prohibits school districts from paying the salary of an unqualified teacher.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to establish the Students with Disabilities (All Grades) certificate, revise the registration requirements for Students with Disabilities (Birth-Grade 2) programs, and revise the requirements for the extension and limited extension to teach certain subjects to students with disabilities to address the shortage of special education teachers.

3. NEEDS AND BENEFITS:

The Students with Disabilities (SWD) teaching certificates are currently available at the following developmental levels: Birth-Grade 2, Grades 1-6, Grades 5-9, and Grades 7-12. However, the SWD (Grades 5-9) certificate is only available as an Emergency COVID-19 certificate, Professional certificate, or a reissuance of an Initial certificate since programs leading to this certificate title have not been registered with the Department on or after September 2, 2011.

The Department collects data on statewide teacher shortage areas and reports the shortage areas annually to the U.S. Department of Education. Special education is one of the persistent statewide shortage areas. To address the shortage of certified special education teachers, the Department is proposing regulatory amendments to establish the Students with Disabilities (All Grades) certificate. This certificate will permit special education teachers to teach pre-Kindergarten through grade 12 and will give school districts the flexibility to place special education teachers in the grade levels with the highest staffing needs.

The Department also proposes to phase out the SWD (Grades 1-6) and SWD (Grades 7-12) certificate titles, other than for the Professional certificate or a reissuance of an Initial certificate, and registered programs leading to these certificate titles since the proposed SWD (All Grades) certificate will include the development levels of these certificates. The SWD (Birth-Grade 2) certificate and registered programs leading to this certificate would continue to be available and would not be phased out. Individuals who hold this certificate work with children from birth through grade 2, including ages 0-2 years that are not part of the grade range of the proposed SWD (All Grades) certificate. Both the SWD (Birth-Grade 2) and proposed SWD (All Grades) certificates would allow certificate holders to teach pre-Kindergarten through grade 2.

4. COSTS:

a. Costs to State government: The amendments do not impose any costs on State government, including the State Education Department.

b. Costs to local government: The amendments do not impose any costs on local government.

c. Costs to private regulated parties: The proposed amendments do not impose any costs on candidates who applied for special education certification or are enrolled in a special education teacher preparation program. Institutions that replace their SWD (1-6) and/or SWD (7-12) programs with a SWD (All Grades) program may incur costs hiring new staff or fac-

ulty due to the SWD (All Grades) curricular and clinical experience requirements.

d. Costs to regulating agency for implementation and continued administration: See above.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendments do not impose any additional program, service, duty or responsibility upon any local government.

6. PAPERWORK:

The proposed amendments do not impose any additional paperwork requirements.

7. DUPLICATION:

The proposed amendments do not duplicate existing State or Federal requirements.

8. ALTERNATIVES:

The proposed amendment is necessary to address the shortage of certified special education teachers. Therefore, no alternatives were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its September 2022 meeting. If adopted at the September 2022 meeting, the proposed amendment will become effective on September 28, 2022. It is anticipated that regulated parties will be able to comply with the proposed rule on its effective date.

Regulatory Flexibility Analysis

The purpose of the proposed amendment of sections 52.21, 57-3.1, 57-3.7, 80-1.2, 80-1.5, 80-1.12, 80-3.2, 80-3.7, 80-4.3, 80-4.4, and 200.20 of the Regulations of the Commissioner of Education is to establish the Students with Disabilities (All Grades) certificate, revise the registration requirements for Students with Disabilities (Birth-Grade 2) programs, and revise the requirements for the extension and limited extension to teach certain subjects to students with disabilities to address the shortage of special education teachers.

The amendments do not impose any new recordkeeping or other compliance requirements and will not have an adverse economic impact on small businesses or local governments. Because it is evident from the nature of the proposed amendments that they will not affect small businesses or local governments, no further steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed amendment applies to all higher education institutions and candidates for students with disabilities certification including those located in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

2. REPORTING, RECORDKEEPING, AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

The purpose of the proposed amendment of sections 52.21, 57-3.1, 57-3.7, 80-1.2, 80-1.5, 80-1.12, 80-3.2, 80-3.7, 80-4.3, 80-4.4, and 200.20 of the Regulations of the Commissioner of Education is to establish the Students with Disabilities (All Grades) certificate, revise the registration requirements for Students with Disabilities (Birth-Grade 2) programs, and revise the requirements for the extension and limited extension to teach certain subjects to students with disabilities to address the shortage of special education teachers.

Registered Students with Disabilities (All Grades) Programs:

The Department proposes to amend section 52.21 of the Commissioner's regulations to create registration requirements for programs leading to the Initial and/or Professional SWD (All Grades) certificates. The Department would no longer register programs leading to the current SWD (Grades 1-6) and SWD (Grades 7-12) certificates on or after October 1, 2022 and would begin registering SWD (All Grades) programs on the effective date of the proposed amendment.

For institutions that currently have registered SWD (Grades 1-6) and SWD (Grades 7-12) programs, the programs would no longer be registered with the Department on or after September 1, 2029. The deadline of September 1, 2029 provides a sufficient transition period for institutions to register SWD (All Grades) programs and allows candidates to complete their current students with disabilities programs.

All registered teacher preparation programs leading to Initial certification include a content core and a pedagogical core. The content core requirement for registered programs leading to the proposed SWD (All Grades) certificate are the same as the content core requirement for programs leading to the current SWD (Grades 7-12) certificate. Specifically, programs would require candidates to complete a major, concentra-

tion, or the equivalent in one or more of the liberal arts and sciences. In addition, they would complete a minimum of six semester hours in each of the subject areas of mathematics, English language arts, social studies, and science (total of 24 semester hours) and have sufficient pedagogical skills to teach these subject areas.

The pedagogical core requirements for registered programs leading to the proposed SWD (All Grades) certificate would focus on developing the same comprehensive knowledge, understanding, and skills for teaching students with disabilities in current SWD programs, but cover the broader student developmental level of the certificate (pre-Kindergarten to grade 12) and include teaching students with disabilities who are culturally and linguistically diverse.

Candidates who begin a proposed SWD (All Grades) program prior to the fall 2023 semester would complete field experiences and student teaching experiences across the age/grade range of the student developmental level of the certificate, and if they are in a program with at least two student teaching experiences, would student teach in two settings: pre-kindergarten through grade 6 and grades 7 through 12. For candidates who begin in the fall 2023 semester and thereafter, the program would require a combination of clinical experiences across the age/grade range of the student developmental level of the certificate, including pre-kindergarten through grade 6 and grades 7 through 12.

Students with Disabilities (All Grades) Certificate:

The Department proposes to amend section 80-3.2 of the Commissioner's regulations to add the Students with Disabilities (All Grades) certificate to the list of certificate titles in the classroom teaching service, allowing candidates to be issued such certificate on the effective date of the proposed amendment.

The proposed amendment to section 80-1.2 of the Commissioner's regulations provides that the Department will not issue certificates in the SWD (Grades 1-6) and SWD (Grades 7-12) certificate titles, other than for the Professional certificate and reissuance of an Initial certificate, with an effective date that begins after September 1, 2030.

In addition, the Department may extend the effective date of such certificates, as applicable, after September 1, 2030, pursuant to the time extension requirements for certificates in section 80-1.6 of the Commissioner's regulations. The Professional certificate and reissuance of an Initial certificate in these certificate titles will continue to be issued, holding harmless candidates who have a valid or expired Initial SWD (Grades 1-6) and/or SWD (Grades 7-12) certificate.

The Department also proposes to amend section 80-3.7 of the Commissioner's regulations to allow candidates to apply for a SWD (All Grades) certificate through the individual evaluation pathway on the effective date of the proposed amendment. Candidates will continue to be able to apply for the SWD (Grades 1-6) and/or SWD (Grades 7-12) certificates through the individual evaluation pathway prior to September 1, 2023, and will be eligible for such certificates, provided that they meet all requirement(s) for the certificate prior to September 1, 2026. This timeline provides candidates with at least one year to apply and qualify for these current certificates through the individual evaluation pathway.

The content core requirement for the proposed SWD (All Grades) certificate is the same as the content core requirement for the SWD (Grades 7-12) certificate in individual pathway to certification. Specifically, candidates would complete 30 semester hours of coursework in one or more of the liberal arts and sciences and six semester hours in each of the subject areas of mathematics, science, social studies, and English language arts within such content core.

The pedagogical coursework requirement for the proposed SWD (All Grades) certificate is the same as the pedagogical coursework requirements for the current SWD certificates in the individual evaluation pathway, except that six semester hours of coursework at a specified developmental level will no longer be required.

One of the exams required for the current SWD certificates is a multi-subject Content Specialty Test that assesses knowledge and skills in literacy and English language arts, mathematics, and arts and sciences. The multi-subject tests are tailored to the age/grade range of the current SWD certificates (e.g., Multi-subject: Secondary Teachers (Grade 7-Grade 12)), and candidates must pass the multi-subject test at the age/grade range of the certificate sought.

Since a multi-subject test that spans all grades currently does not exist, the Department proposes to amend section 80-1.5 of the Commissioner's regulations to require candidates to pass any one of the following tests for the proposed SWD (All Grades) certificate until a multi-subject content specialty test for such certificate title is developed and available: Multi-Subject, Multi-subject: Teachers of Childhood (Grade 1-Grade 6), Multi-subject: Teachers of Middle Childhood (Grade 5-Grade 9), or Multi-subject: Secondary Teachers (Grade 7-Grade 12) content specialty tests. Having options for the multi-subject test allows the proposed certificate to be accessible to candidates who passed one of these multi-subject tests for their current certificate or will graduate from a SWD (Grades 1-6) and SWD (Grades 7-12) program in the future.

Extensions:

Currently, institutions may register a program leading to an extension for the SWD (Grades 7-12) certificate that authorizes candidates to teach students with disabilities in certain subjects in grades 7-12. In addition, teachers who hold a SWD (Grades 5-9) or SWD (Grades 7-12) generalist or content specialist certificate, or a Permanent Special Education certificate, may obtain an extension to teach students with disabilities in certain subjects in grades 5-9 or grades 7-12. With this extension, special education teachers can teach a special class in a subject area in the grade level of the extension.

The Department proposes to amend section 52.21 of the Commissioner's regulations to allow SWD (All Grades) programs to lead to such extension and to reduce the number of semester hours required in the subject area of the extension from 18 to 12. Similarly, the proposal amends section 80-4.3(n) of the Commissioner's regulations to enable teachers who hold the SWD (All Grades) certificate to be eligible for such extension. In addition, the current extension requirements of 18 semester hours in the subject area of the extension and passing the content specialty test in the subject area of the extension would be replaced with 12 semester hours in the subject area of the extension or passing the content specialty test in the subject area of the extension.

Reducing the number of semester hours required in the subject area of the extension will permit candidates who are enrolled in the current SWD (Grades 7-12) program or proposed SWD (All Grades) program to efficiently complete the extension program, likely resulting in more candidates seeking the extension. This will, in turn, address the need for more special education teachers who are qualified to teach a special class in a subject area in grades 7-12. Further, permitting eligible special education teachers to obtain the extension by passing the content specialty test in the subject area of the extension, instead of requiring such eligible teachers to complete coursework, gives them an option for demonstrating their content knowledge while removing a potential financial barrier to certification.

The limited extension also enables teachers who hold a SWD (Grades 5-9) or SWD (Grades 7-12) generalist or content specialist certificate, or a Permanent Special Education certificate, to teach students with disabilities in certain subjects in grades 7-12, but only for a limited period of time. One of the options for obtaining the limited extension is to pass the content specialty test in the subject area of the limited extension. The Department proposes to amend section 80-4.3(t) of the Commissioner's regulations to remove this option for obtaining the limited extension because passing the content specialty test in the subject area will become an option for the extension to teach students with disabilities in certain subjects in grades 5-9 or grades 7-12, as described above. In addition, the proposed amendment will allow teachers who hold the SWD (All Grades) certificate to be eligible for the limited extension.

Additional Amendments:

Since SWD (Birth-Grade 2) programs would continue, the proposed amendment revises this program's pedagogical core requirement such that these programs will focus on developing comprehensive knowledge, understanding, and skills for teaching students with disabilities, including students with disabilities who are culturally and linguistically diverse. The addition of "students with disabilities who are culturally and linguistically diverse" is consistent with the proposed pedagogical core requirement for the SWD (All Grades) program. SWD (Birth-Grade 2) programs would need to include this new requirement by September 1, 2024, or at the time a new program is registered, whichever occurs first.

Additionally, the proposed amendment removes regulations relating to programs leading to teaching students with disabilities in middle childhood and the individual evaluation pathway for SWD (Grades 5-9) certification since these options no longer exist. The proposed amendment also adds the SWD (All Grades) certificate, or programs leading to this certificate, to regulations that list one or more special education certificates or programs in sections 52.21, 57-3.1, 57-3.7, 80-1.12, 80-4.4, and 200.20 of the Commissioner's regulations, as appropriate.

Finally, the proposed amendment includes technical revisions to internal citations to align the proposed amendment with the proposed Literacy (All Grades) certificate, which was proposed at the February 2022 meeting as an addition to section 80-3.7(a)(2) of the Commissioner's regulations.

3. COSTS:

The proposed amendments do not impose any costs on candidates who applied for special education certification or are enrolled in a special education teacher preparation program. Institutions that replace their SWD (1-6) and/or SWD (7-12) programs with a SWD (All Grades) program may incur costs hiring new staff or faculty due to the SWD (All Grades) curricular and clinical experience requirements.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendments will allow the Department to address the statewide shortage of special education teachers. Therefore, no alternatives were considered for those institutions or candidates located in rural areas of the State.

5. RURAL AREA PARTICIPATION:

A copy of the proposed amendments have been provided to the New York Association of Colleges for Teacher Education for review and comment.

Job Impact Statement

The purpose of the proposed amendment of sections 52.21, 57-3.1, 57-3.7, 80-1.2, 80-1.5, 80-1.12, 80-3.2, 80-3.7, 80-4.3, 80-4.4, and 200.20 of the Regulations of the Commissioner of Education is to establish the Students with Disabilities (All Grades) certificate, revise the registration requirements for Students with Disabilities (Birth-Grade 2) programs, and revise the requirements for the extension and limited extension to teach certain subjects to students with disabilities to address the shortage of special education teachers.

Because it is evident from the nature of the proposed amendment that it will have no impact on the existing number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken.

Department of Environmental Conservation

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

SPDES Incorporation by Reference

I.D. No. ENV-22-22-00016-P

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

Proposed Action: Amendment of section 750-1.25 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 3-0301, 17-0303, 17-0801, 17-0803, 17-0804 and 17-0811; Federal Water Pollution Control Act, 33 U.S.C., sections 1251, et seq.

Subject: SPDES Incorporation by Reference.

Purpose: Update SPDES Incorporation by Reference.

Text of proposed rule: (a) USEPA Guidance Publications.

- USEPA Guidance on Whole Effluent Toxicity Testing - Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, [Fourth]Fifth Edition, EPA/[600/4-90/027F]-821-R-02-012 [(1993)](2002)

- Short-[T]erm Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, [Third]Fourth Edition, EPA/[600/4-91/002]-821-R-02-013 [(1994)](2002)

- Short-[T]erm Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, [Second]Third Edition, EPA/[600/4-91/003]-821-R-02-014 [(1994)](2002)

(b) As it appears in Title 33 Code of Federal Regulation (C.F.R.) on the date shown in parentheses:

- Part 153 - Control of Pollution by Oil and Hazardous Substances, Discharge Removal - [(October 5, 2001)](July 7, 2014)

(c) As it appears in Title 40 Code of Federal Regulation (C.F.R.) on the date shown in parentheses:

- Part 35 - State and Local Assistance[.] - [(November 16, 2001)](August 23, 2019)

- Part 122 - EPA Administered Programs: The National Pollutant Discharge Elimination System - [(December 3, 2001)](November 2, 2020)

- Part 123.44 - EPA Review of and Objections to State Permits[.] - [(November 16, 2001)](May 15, 2000)

- Part 124.10 - Public [n]Notice of [p]Permit [a]Actions and [p]Public [c]Comment [p]Period[.] - [(October 5, 2001)](February 12, 2019)

- Part 125 - Criteria and Standards for the National Pollutant Discharge Elimination System[.] - [(March 4, 2002)](February 12, 2019)

- Part 129 - Toxic Pollutant Effluent Standards[.] - [(October 5, 2001)](February 2, 1977)

- Part 130 - Water Quality Planning and Management[.] - [(January 4, 2002)](September 26, 2016)

- Part 132 - Water Quality Guidance for the Great Lakes System[.] - [(October 5, 2001)](September 16, 2011)

- Part 133 - Secondary Treatment Regulation[.] - [(October 5, 2001)](January 27, 1989)

- Part 136 - Guidelines Establishing Test Procedures for the Analysis of Pollutants[.] - [(July 1, 2000)](May 19, 2021)

- Part 144 - Underground Injection Control Program[.] - [(October 5, 2001)](December 10, 2010)

- Part 146 - Underground Injection Control Program: Criteria and Standards[.] - [(October 5, 2001)](December 10, 2010)

- Part 300 - National Oil and Hazardous Substances Pollution Contingency Plan[.] - [(October 5, 2001)](April 21, 2020)

- Part 401 - General Provisions - [(January 30, 2002)](April 21, 2020)

- Part 403 - General Pretreatment Regulations for Existing and New Sources of Pollution[.] - [(October 5, 2001)](November 2, 2020)

- Part 405 - Dairy Products Processing Point Source Category[.] - [(November 16, 2001)](June 29, 1995)

- Part 406 - Grain Mills Point Source Category[.] - [(November 16, 2001)](June 29, 1995)

- Part 407 - Canned and Preserved Fruits and Vegetables Processing Point Source Category[.] - [(November 16, 2001)](June 29, 1995)

- Part 408 - Canned and Preserved Seafood Processing Point Source Category[.] - [(November 16, 2001)](June 29, 1995)

- Part 409 - Sugar Processing Point Source Category[.] - [(November 16, 2001)](June 29, 1995)

- Part 410 - Textile Mills Point Source Category[.] - [(November 16, 2001)](September 1, 1983)

- Part 411 - Cement Manufacturing Point Source Category - [(November 16, 2001)](June 29, 1995)

- Part 412 - [Feedlots]Concentrated Animal Feeding Operations (CAFO) Point Source Category[.] - [(November 16, 2001)](November 20, 2008)

- Part 413 - Electroplating Point Source Category[.] - [(November 16, 2001)](November 7, 1986)

- Part 414 - Organic Chemicals, Plastics, and Synthetic Fibers[.] - [(November 16, 2001)](July 9, 1993)

- Part 415 - Inorganic Chemicals Manufacturing Point Source Category[.] - [(November 16, 2001)](September 25, 1984)

- Part 417 - Soap and Detergent Manufacturing Point Source Category[.] - [(November 16, 2001)](June 29, 1995)

- Part 418 - Fertilizer Manufacturing Point Source Category[.] - [(November 16, 2001)](June 29, 1995)

- Part 419 - Petroleum Refining Point Source Category[.] - [(November 16, 2001)](August 12, 1985)

- Part 420 - Iron and Steel Manufacturing Point Source Category[.] - [(November 16, 2001)](December 13, 2005)

- Part 421 - Nonferrous Metals Manufacturing Point Source Category[.] - [(November 16, 2001)](September 7, 1990)

- Part 422 - Phosphate Manufacturing Point Source Category[.] - [(November 16, 2001)](July 9, 1986)

- Part 423 - Steam Electric Power Generating Point Source Category[.] - [(November 16, 2001)](October 13, 2020)

- Part 424 - Ferroalloy Manufacturing Point Source Category[.] - [(November 16, 2001)](June 29, 1995)

- Part 425 - Leather Tanning and Finishing Point Source Category[.] - [(November 23, 2001)](July 8, 1996)

- Part 426 - Glass Manufacturing Point Source Category - [(November 23, 2001)](June 29, 1995)

- Part 427 - Asbestos Manufacturing Point Source Category[.] - [(November 23, 2001)](June 29, 1995)

- Part 428 - Rubber Manufacturing Point Source Category - [(November 23, 2001)](June 29, 1995)

- Part 429 - Timber Products Processing Point Source Category[.] - [(November 23, 2001)](July 30, 2004)

- Part 430 - The Pulp, Paper, and Paperboard Point Source Category[.] - [(November 23, 2001)](May 18, 2012)

- Part 432 - Meat and Poultry Products Point Source Category[.] - [(November 23, 2001)](September 8, 2004)

- Part 433 - Metal Finishing Point Source Category[.] - [(November 23, 2001)](November 7, 1986)

- Part 434 - Coal Mining Point Source Category BPT, BAT, BCT Limitations and New Source Performance Standards[.] - [(November 23, 2001)](January 23, 2002)

- Part 435 - Oil and Gas Extraction Point Source Category[.] - [(November 23, 2001)](December 7, 2016)

- Part 436 - Mineral Mining and Processing Point Source Category[.] - [(November 23, 2001)](July 11, 1995)

- Part 437 - The Centralized Waste Treatment Point Source Category[.] - [(November 23, 2001)](December 22, 2003)

- Part 438 - Metal Products and Machinery Point Source Category - (May 13, 2003)

- Part 439 - Pharmaceutical Manufacturing Point Source Category[.] - [(November 23, 2001)](March 13, 2003)

- Part 440 - Ore Mining and Dressing Point Source Category[.] - [(November 23, 2001)](May 24, 1988)

- Part 441 - Dental Office Point Source Category - (July 5, 2017)

- Part 442 -Transportation Equipment Cleaning Point Source Category[.] – [(November 23, 2001)](February 1, 2005)
- Part 443 - Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources for the Paving and Roofing Materials (Tars and Asphalt) Point Source Category[.] – [(November 23, 2001)](June 29, 1995)
- Part 444 - Waste Combustors Point Source Category[.] – [(November 23, 2001)](April 9, 2004)
- Part 445 - Landfills Point Source Category[.] – [(November 23, 2001)](March 16, 2000)
- Part 446 - Paint Formulating Point Source Category[.] – [(November 23, 2001)](June 29, 1995)
- Part 447 - Ink Formulating Point Source Category[.] – [(November 23, 2001)](June 29, 1995)
- Part 449 - Airport Deicing Point Source Category – (May 16, 2012)
- Part 450 - Construction and Development Point Source Category – (May 4, 2015)
- Part 451 - Concentrated Aquatic Animal Production Point Source Category – (August 23, 2004)
- Part 454 - Gum and Wood Chemicals Manufacturing Point Source Category[.] – [(November 23, 2001)](June 19, 1995)
- Part 455 - Pesticide Chemicals[.] – [(November 23, 2001)](March 12, 2007)
- Part 457 - Explosives Manufacturing Point Source Category[.] – [(November 23, 2001)](June 29, 1995)
- Part 458 - Carbon Black Manufacturing Point Source Category[.] – [(November 23, 2001)](June 29, 1995)
- Part 459 - Photographic Point Source Category[.] – [(November 23, 2001)](July 14, 1976)
- Part 460 - Hospital Point Source Category[.] – [(November 23, 2001)](June 29, 1995)
- Part 461 - Battery Manufacturing Point Source Category[.] – [(November 23, 2001)](August 28, 1986)
- Part 463 - Plastics Molding and Forming Point Source Category[.] – [(November 23, 2001)](December 17, 1984)
- Part 464 - Metal Molding and Casting Point Source Category[.] – [(November 23, 2001)](June 16, 1986)
- Part 465 - Coil Coating Point Source Category[.] – [(November 23, 2001)](March 12, 2007)
- Part 466 - Porcelain Enameling Point Source Category[.] – [(November 23, 2001)](September 6, 1985)
- Part 467 - Aluminum Forming Point Source Category[.] – [(November 23, 2001)](December 27, 1988)
- Part 468 - Copper Forming Point Source Category[.] – [(November 23, 2001)](June 20, 1986)
- Part 469 - Electrical and Electronic Components Point Source Category[.] – [(November 23, 2001)](January 31, 1985)
- Part 471 - Nonferrous Metals Forming and Metal Powders Point Source Category[.] – [(November 23, 2001)](April 4, 1989)
- (d) *Act means the Clean Water Act* formerly referred to as the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq. - [(July 1, 2001)](January 14, 2019) References:
 - Section 1284[(b)] [FWPCA § [§] 204(b)]—Limitations and conditions— *Additional determinations; issuance of guidelines; approval by Administrator; system of charges*
 - Section 1288(b) [FWPCA § [§] 208(b)]—Areawide waste treatment management—Planning process
 - [Section 1288(b)(2)(C) [FWPCA §§ 208(b)(2)(C)]—"The establishment of a regulatory program to implement requirements of 201(c) [waste treatment management area and scope]]
 - Section 1311 [FWPCA § [§] 301]—Effluent limitations
 - Section 1312 [FWPCA § [§] 302]—Water quality related effluent limitations
 - Section 1313 [FWPCA § [§] 303]—Water quality standards and implementation plans
 - Section 1314 [FWPCA § [§] 304]—Information and guidelines
 - Section 1316 [FWPCA § [§] 306]—National standards of performance
 - Section 1317 [FWPCA § [§] 307]—Toxic and pretreatment effluent standards
 - Section 1318 [FWPCA § [§] 308]—Records and Reports; Inspections
 - Section 1321 [FWPCA § [§] 311]—Oil and hazardous substance liability
 - Section 1326 [FWPCA § [§] 316]—Thermal discharges
 - Section 1342 [FWPCA § [§] 402]—National pollutant discharge elimination system
 - Section 1343 [FWPCA § [§] 403]—Ocean discharge criteria
 - Section 1370 [FWPCA § [§] 510]—State authority
- (e) [Miscellaneous. Recommended Standards for Wastewater Facilities, Policies for the Design, Review and Approval of Plans and Specifications, 1997 Edition.

Design Standards for Wastewater Treatment Works Systems, 1988, Intermediate Sized Sewerage Facilities.]

[(f)] All publications referenced in this Part are available electronically at [<http://www.dec.state.ny.us/website/dow/bwp/ref750/index.html>] <https://dec.ny.gov/fs/projects/spdes/>

[(g)](f) All material referenced in this Part is available for copying and inspection at the New York State Department of Environmental Conservation, Division of Water at its Central Office location in Albany County.

[(h) Act means the Federal Water Pollution Control Act or Clean Water Act, 33 USC 1251 et seq., as amended, that is in effect on July 1, 2001.]

[(i)](g) Ten States Standards means Recommended Standards for Wastewater Facilities, Policies for the Design, Review and Approval of Plans and Specifications *For Wastewater Collection and Treatment Facilities*, [1997]2014 Edition.

[(j)](h) Intermediate Design Standards means *New York State Design Standards for Intermediate Sized Wastewater Treatment [Works]Systems*, [1988]2014[, Intermediate Sized Sewerage Facilities.]

Text of proposed rule and any required statements and analyses may be obtained from: Michelle Tompkins, Department of Environmental Conservation, 625 Broadway, 4th Floor, Albany, NY 12233-3500, (518) 402-8221, email: Water.Regis@dec.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.

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

Regulatory Impact Statement

1. Statutory authority:

The New York State Department of Environmental Conservation's (NYSDEC) general authority to promulgate regulations is found in New York State Environmental Conservation Law (ECL) art. 3, title 3. ECL §§ 3-0301(2)(a) and (2)(m) provide that the Commissioner of NYSDEC may adopt regulations to carry out the purposes of the ECL in general. Authority to promulgate regulations with respect to the State Pollutant Discharge Elimination System (SPDES) program is found at ECL §§ 17-0303(3), 17-0801, 17-0803, 17-0804, and 17-0811. As an approved SPDES program, NYSDEC must maintain a program at least as stringent as the federal program (i.e., the National Pollutant Discharge Elimination System) including the CWA 33 U.S.C. §§ 1251, et seq. (Federal Water Pollution Control Act) and implementing regulations.

2. Legislative objectives:

It is the objective of the ECL that NYSDEC regulates the administration and procedures of the SPDES permitting program to prevent unlawful discharges of pollutants into waters of the state. The CWA directs EPA to promulgate technology-based Effluent Limitation Guidelines (ELGs) (i.e., 40 C.F.R. Parts 405 – 471) that reflect pollutant reductions achievable in categories or subcategories of industrial point sources through implementation of available treatment technologies. 33 U.S.C. §§ 1311(b) and 1314(b). The proposed amendments to sec. 750-1.25 update references to accurately reflect the current ELGs, as well as other federal regulations and guidance documents.

3. Needs and benefits:

The proposed rule making is necessary to update outdated, inaccurate and/or redundant references to federal regulations and guidance documents. To maintain an approved SPDES program, NYSDEC must operate a program that is at least as stringent as the federal program. In accordance with NYSDEC's approved SPDES program, the state must adopt and include in its SPDES permits the minimum federally established guidance, as well as the guidelines (i.e., ELGs) included in 40 C.F.R. Parts 405 – 471, unless the state has more stringent requirements. Therefore, this update is necessary to comply with that federally approved program.

This proposed rule making adds five (5) ELGs to sec. 750-1.25 that were promulgated after the last update to sec. 750-1.25 in 2003 (40 C.F.R. Parts 438, 441, 449, 450, 451). Additionally, EPA has updated fourteen (14) ELGs since the last update to sec. 750-1.25; this proposed rule making updates the references to those ELGs (40 C.F.R. Parts 412, 420, 423, 429, 430, 432, 434, 435, 437, 439, 442, 444, 455, 465). Since 2002, EPA has not updated the remaining 40 ELGs listed in sec. 750-1.25, therefore, no substantive updates are necessary. However, for consistency and accuracy, all dates referenced in sec. 750-1.25 are amended to reflect the most recent version of the documents, not necessarily the latest substantive update.

When NYSDEC staff undertakes a full technical review, SPDES permits are reviewed to determine if EPA has established minimum ELGs that apply to the permittee's specific industrial category. If the SPDES permit is for an industrial category where EPA has established minimum

technology-based requirements, then those minimum ELGs, along with other updates necessary to meet state requirements, are incorporated into the renewed and/or modified SPDES permit. In order to be as stringent as the federal program, NYSDEC staff refer directly to the federal ELGs when drafting SPDES permits (as required by ECL § 17-0801, 17-0811 and as outlined in SPDES permit writing guidance Technical and Operational Guidance Series (TOGS) 1.2.1); therefore, this proposed rule making does not impact facilities where these updated ELGs already apply.

In addition to updating the references to the current ELGs, this proposed rule making updates references to other federal regulations. For example, the General Pretreatment Regulation Revisions (40 C.F.R. Part 403) reduce the overall regulatory burden on both industrial users and Publicly Owned Treatment Works (POTWs) with approved pretreatment programs. Updates to 40 C.F.R. Part 122 require permittees to use “sufficiently sensitive” analytical test methods when quantifying the presence of pollutants.

4. Costs:

A) to NYSDEC, the State, and local governments:

The proposed rule making does not impose costs upon NYSDEC, the State, or local governments because SPDES permits are written to include the most current ELGs or more stringent state requirements.

B) to regulated persons:

The proposed rule making does not impose costs upon regulated persons because SPDES permits are written to include the most current ELGs or more stringent state requirements. Additionally, EPA already considered the economic impact to these industrial categories when EPA promulgated the current ELGs. The regulated community had an opportunity to comment or object to that economic impact and other aspects of the ELGs at the time of the federal rule making.

5. Local government mandates:

The proposed rule making does not impose mandates on local governments and actually lessens the burden in some circumstances. As discussed in Section 4 of this statement, the proposed rule making also does not impose any mandates that are not already required. The General Pretreatment Regulation Revisions (40 C.F.R. Part 403) reduces the overall regulatory burden on both industrial users and Publicly Owned Treatment Works (POTWs) with approved pretreatment programs.

6. Paperwork:

No paperwork - recordkeeping or reporting - is imposed.

7. Duplication:

The proposed rule making does not duplicate, overlap or conflict with any other state or federal law or regulations, but rather incorporates by reference federal regulations, as well as guidance documents.

8. Alternative:

Alternatives considered to this proposed rule making include: (1) No action, or not updating sec. 750-1.25.

No Action - Not updating sec. 750-1.25 is not an available alternative because doing so fails to maintain NYSDEC's approved SPDES program so it is at least as stringent as the federal program.

9. Federal standards:

The proposed rule making does not result in the imposition of requirements that exceed any minimum standards, including regulations, of the federal government for the same or similar subject areas.

10. Compliance schedule:

The proposed rule, if adopted, would take effect on the date that the Notice of Adoption is published in the State Register, or on an effective date established in the Notice of Adoption. The proposed rule making does not require a compliance schedule. The process to update SPDES permits is described above.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis for Small Business and Local Governments has not been prepared because the proposed rule making will not impose an adverse economic impact on small businesses or local governments, nor will it impose reporting, recordkeeping or other compliance requirements on small businesses or local governments. The proposed rule making updates outdated, inaccurate and/or redundant references to federal regulations promulgated by the United States Environmental Protection Agency at Titles 33 and 40 of the C.F.R., as well guidance documents. State Pollutant Discharge Elimination System (SPDES) permitted facilities are obligated to comply with the current federal regulations required by Titles 33 and 40 of the C.F.R.; therefore, the proposed rule making will not impact any small businesses or local governments beyond what is currently required. Accordingly, the New York State Department of Environmental Conservation has determined a Regulatory Flexibility Analysis for Small Business and Local Governments is not required.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis has not been prepared because the proposed rule making will not impose adverse impacts on rural areas as defined in New York State Administrative Procedure Act Section 102(10).

The proposed rule making updates outdated, inaccurate and/or redundant references to federal regulations promulgated by the United States Environmental Protection Agency at Titles 33 and 40 of the C.F.R., as well guidance documents. State Pollutant Discharge Elimination System (SPDES) permitted facilities are obligated to comply with the current federal regulations required by Titles 33 and 40 of the C.F.R.; therefore, the proposed rule making will not impact any rural areas as beyond what is currently required. Nor will the proposed rule making impose reporting, recordkeeping or other compliance requirements on rural areas. Accordingly, the New York State Department of Environmental Conservation has determined that a Rural Area Flexibility Analysis is not required.

Job Impact Statement

A Job Impact Statement has not been prepared because the proposed rule making will not have a substantial adverse impact on jobs and employment opportunities in New York State. The proposed rule making updates outdated, inaccurate and/or redundant references to federal regulations promulgated by the United States Environmental Protection Agency at Titles 33 and 40 of the C.F.R., as well guidance documents. State Pollutant Discharge Elimination System (SPDES) permitted facilities are obligated to comply with the current federal regulations required by Titles 33 and 40 of the C.F.R.; therefore, the proposed rule making will not impact jobs or employment opportunities in New York State beyond what is currently required. Accordingly, the New York State Department of Environmental Conservation has determined that a Job Impact Statement is not required.

Department of Financial Services

EMERGENCY RULE MAKING

Fees (Maximum Fee that may be Charged by Licensed Check Cashers for Cashing Checks for Retail Consumers)

I.D. No. DFS-22-22-00002-E

Filing No. 354

Filing Date: 2022-05-13

Effective Date: 2022-05-13

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

Action taken: Amendment of section 400.11 of Title 3 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Banking Law, sections 10, 14, 371 and 372

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

Specific reasons underlying the finding of necessity: Pursuant to Section 372 of the Banking Law, the Superintendent of Financial Services is required, by regulation, to “establish the maximum fees which may be charged by licensees for cashing a check, draft, or money order.” Since 1994, the maximum check cashing fee has been established by Section 400.11. That section provides a base maximum check cashing fee that increases every year “based upon an increase in the consumer price index for the New York - Newark - Jersey City, NY - NJ - PA area for all urban consumers” (“CPI”).

Following a 2019 amendment to 400.11, the maximum fee that a licensee may charge for cashing a retail check was set at the greater of “2.19 per centum of the amount of the check, draft or money order in addition to any increase that shall hereafter be made pursuant to subdivision (b) of this section,” or one dollar. The increase to the maximum fee is calculated by multiplying the existing maximum fee by the increase in the CPI, and adding the result to the existing maximum fee. These increases are cumulative, meaning that each annual maximum fee increase results in a new base maximum fee. As a result of the increase established by Section 400.11, the base maximum fee for cashing a check rose to 2.23% in 2020, and 2.27% in 2021.

However, Section 400.11 provides that “[n]othing herein shall be deemed to prohibit the Superintendent from setting, by regulation, a different maximum per centum fee at any time where the Superintendent shall find that such a fee is necessary and appropriate to protect the public interest and to promote the stability of the check cashing industry for the purpose of meeting the needs of the communities that are served by check cashers”.

Section 400.11 establishes a fixed methodology by which the maximum

fee increases every year, based on an increase in a broad, regional measure of consumer prices that measures the average prices of a basket of consumer goods and services.

In light of the prolonged adverse economic impact on New York consumers, particularly those that utilize the services of check cashing industry, the Department of Financial Services (the "Department") is concerned with the adequacy of the process established by Section 400.11 and does not believe the fixed methodology established several years ago adequately considers other factors that need to be taken into account to protect the public interest. For example, the Department does not believe CPI is an appropriate basis to increase the maximum check cashing fee on an annual basis. CPI is a broad regional measure of the cost of living for a variety of consumers based on changes in prices of a host of consumer goods and services, such as food, energy, transportation, and medical care. It is a measure of the prices that consumers pay to buy goods and services for their day-to-day living. This is not necessarily a reliable or accurate indicator of the costs of operating a business generally, or a check cashing business, specifically, particularly as unexpected events, such as a prolonged pandemic, could have significant adverse impact on the financial health of the users of check cashing services. In fact, Section 400.11 essentially treats check cashers as urban consumers, granting annual fee increases without taking into account that, for example, an increase in CPI means that the purchasing power of the consumer declines.

Focusing solely on CPI ignores other, more relevant factors relating to costs of a check casher, and entirely ignores the associated impact of CPI increases on consumers. Among other things, solely relying on CPI ignores actual business expenses, other additional streams of income that many check cashers generate, such as cashing commercial checks that are not subject to statutory fee limits, or because they use their business as a platform to offer additional services, and their business practices. Moreover, it discounts the potential that CPI increases may beneficially impact check cashing fees, and does not consider whether the increase in fees, along with the rising costs of other goods and services, has an undue and unfair impact on consumers. For example, if wages increase with inflation, the face value of the checks being cashed increases as well. Larger checks generate higher fees for check cashers, and an annual fee increase, in essence, would result in the maximum check cashing fee increasing twice. Conversely, if wages are stagnant, automatic increases in check cashing fees mean that consumers are being hit with price increases and an increase in the cost of cashing checks.

All of this indicates that the calculation of the maximum check cashing fee is a nuanced issue, requiring a balancing of a number of competing interests, and the process currently set forth in Section 400.11 is inadequate. Therefore, while the Department adopts a new methodology to set the maximum fee for cashing a check, there will be no increase in the maximum check cashing fee for 2022. Accordingly, until a permanent regulation is adopted codifying a new methodology, this emergency regulation will maintain the status quo by setting the base maximum rate set forth in subdivision (a) of Section 400.11 at last year's rate of 2.27%, and subdivision (b) shall provide that the annual maximum fee calculation will resume in 2023 based on a new methodology to be established pursuant to the permanent regulation.

In reaching this conclusion, the Department notes that many check cashers have other sources of revenue, including commercial check cashing, for which there is no limit on the fees that check cashers may charge, and income related sources of business, including agency agreements with money transmitters. The income generated by check cashers over the last several years has been sufficient to support substantial salaries and expenses for high level employees of check cashers. Moreover, many licensed check cashers offer discounted fees to certain customers and employees while charging the maximum fee to others, resulting in a tiered pricing scheme that raises additional questions about the need to continuously raise the maximum check cashing fee.

While the check cashing industry has continuously received fee increases, including two fee increases in 2019 – a special fee increase as well as an increase based on CPI changes – and an increase in 2020, and 2021, the consumers that check cashers generally serve have been struggling due to the impact of COVID-19. The fee increase process implemented by Section 400.11 does not consider the impact of the constant increases in the maximum fee on the consumers. Instead, it provides for a fixed process, without taking into account the full impact of the prevailing market conditions and the socio-economic impact of unforeseen events, such as a prolonged pandemic on consumers. To balance the consumer interest implicated by the maximum check cashing fee, keeping the fee steady for this year is warranted.

The emergency adoption of this regulation is necessary because, as Section 400.11 is currently drafted, the Department was scheduled to post the increase to the maximum check cashing fee indicated by the CPI increase by February 11, 2022. Because the Superintendent is not authorizing an increase to the maximum check cashing fee this year, the emergency will

eliminate the posting requirement for this year and provide time for the Department to revise the process by which increases to the maximum check cashing fee are implemented.

Subject: Fees (maximum fee that may be charged by licensed check cashers for cashing checks for retail consumers).

Purpose: Amendment to section 400.11 which maintains the maximum check cashing fee currently in force while the Department assesses the methodology that should be used to set the maximum fee for cashing a check.

Text of emergency rule: Section 400.11 is amended to read as follows:

(a) Except with respect to the cashing of checks, drafts or money orders for payees of such checks, drafts or money orders that are other than natural persons, a licensee shall be permitted to charge or collect a fee for cashing a check, draft or money order not to exceed:

(1) [2.19] 2.27 per centum of the amount of the check, draft or money order in addition to any increase that shall hereafter be made pursuant to subdivision (b) of this section; or

(2) \$1, whichever is greater.

(b) Effective January 1, [2005] 2023, and annually thereafter, the maximum per centum fee specified in subdivision (a) of this section, shall be increased by a per centum amount, based upon an increase in the consumer price index for the New York - Newark - Jersey City, NY - NJ - PA area for all urban consumers (annual CPI-U), as reported by the Bureau of Labor Statistics of the U.S. Department of Labor for the calendar year preceding the year in which such increase is made compared to such annual CPI-U for the year prior to such preceding year. The maximum per centum fee that may be charged or collected for cashing a check, draft or money order pursuant to this section in effect at such time shall be multiplied by such computed per centum amount and the result added to such maximum per centum fee. The resulting sum shall be the revised maximum per centum fee, which shall be posted upon the internet site of the Department of Financial Services (www.dfs.ny.gov) by the superintendent not later than 45 days following the public release of such annual index by the U.S. Department of Labor. Such revised maximum per centum fee shall be calculated and posted to the nearest one-hundredth of a per centum. Such revised maximum per centum fee shall be effective not later than 45 days after the superintendent shall have notified the Majority Leader of the Senate, the Speaker of the Assembly, and the chairperson of the Senate and Assembly Committees on Banks of his/her intention to change the maximum per centum fee pursuant to the provisions of section 372.3 of the Banking Law and shall continue in effect until revised and increased in the next succeeding year based upon an increase in such annual index. If such CPI-U does not increase in any one year, the maximum per centum fee in effect during the year in which the index does not increase shall remain unchanged in the next succeeding year. Nothing herein shall be deemed to prohibit the superintendent from setting, by regulation, a different maximum per centum fee at any time where the superintendent shall find that such a fee is necessary and appropriate to protect the public interest and to promote the stability of the check cashing industry for the purpose of meeting the needs of the communities that are served by check cashers. No maximum fee shall apply to the charging of fees by licensees for the cashing of checks, drafts or money orders for payees of such checks, drafts or money orders that are other than natural persons.

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 August 10, 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 and Banking Law Sections 10, 14, 371 and 372.

Financial Services Law Section 202 establishes the office of the Superintendent of Financial Services ("Superintendent").

Financial Services Law Section 302 authorizes the Superintendent to prescribe regulations interpreting the Banking Law and to effectuate any power granted to the Superintendent in the Banking Law, Financial Services Law, and any other law.

Pursuant to Banking Law Section 372, licensed cashers of checks may only charge a fee for cashing checks for retail consumers that does not exceed the maximum fee established by the Superintendent of Financial Services by regulation. Pursuant to that authority, the Department sets the maximum fee, and a process for increasing the maximum fee, in Part 400.11 of Title 3 of the NYCRR. Additional authority for setting the fee is provided by Banking Law Sections 10, 14, and 371.

2. Legislative Objectives: By requiring the Department of Financial

Services to establish the maximum fee that may be charged for by licensed cashers of checks for cashing checks for retail consumers, the Legislature intended for the Department to balance the interests of consumers in paying a reasonable fee to cash their checks and the needs of the industry to conduct their business.

3. Needs and Benefits: Pursuant to Banking Law Section 372, the Superintendent of Financial Services is required, by regulation, to “establish the maximum fees which may be charged by licensees for cashing a check, draft, or money order.” Since 1994, the maximum check cashing fee has been established by Part 400.11. That Part provides a base maximum check cashing fee that increases every year “based upon an increase in the consumer price index for the New York - Newark - Jersey City, NY - NJ - PA area for all urban consumers” (“CPI”).

Following a 2019 amendment to Section 400.11, the maximum fee that a licensee may charge for cashing a retail check was set at the greater of “2.19 per centum of the amount of the check, draft or money order in addition to any increase that shall hereafter be made pursuant to subdivision (b) of this section,” or one dollar. The increase to the maximum fee is calculated by multiplying the existing maximum fee by the increase in the CPI and adding the result to the existing maximum fee. These increases are cumulative, meaning that each annual maximum fee increase results in a new base maximum fee. As a result of the increase established by Section 400.11, the base maximum fee for cashing a check rose to 2.23% in 2020, and 2.27% in 2021.

In light of the prolonged adverse economic impact on New York consumers, particularly those that utilize the services of check cashing industry, the Department of Financial Services (the “Department”) believes the process established by Section 400.11 is inadequate.

The calculation of the maximum check cashing fee is a nuanced issue, requiring a balancing of a number of competing interests, and the process currently set forth in Section 400.11 must be changed. Therefore, while the Department proposes and ultimately adopts a new methodology to set the maximum fee for cashing a check, there will be no increase in the maximum check cashing fee for 2022. Accordingly, until a permanent regulation is adopted codifying a new methodology, this emergency regulation will maintain the status quo by setting the base maximum rate set forth in subdivision (a) of Section 400.11 at last year’s rate of 2.27%.

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

5. Local Government Mandates: The regulations do not impose any new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district.

6. Paperwork:

This regulation creates no new paperwork requirements.

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

8. Alternatives: The Department of Financial Services weighed other alternatives, including allowing the existing fee increase mechanism provided by Section 400.11 to continue in effect. However, the Department concluded that no increase to the maximum check cashing fee is necessary this year.

Regulated entities will have an opportunity to participate in the rulemaking process at two future stages. First, the Department is conducting a small business outreach by posting a draft permanent regulation on its website before filing a proposal. Second, when the amendment is proposed as a permanent change to the regulation, regulated entities will have an opportunity to make public comments at that time. The proposal will be published in the State Register and posted again on the Department’s website.

9. Federal Standards: Federal law does not govern the maximum fee that check cashers may charge for cashing retail consumer checks.

10. Compliance Schedule: The emergency adoption is effective immediately.

Regulatory Flexibility Analysis

1. Effect of Rule: The amendment does not apply to any local government. Seventy-one (71) of seventy-five (75) of the Department’s licensed check cashers qualify as small businesses that employ less than one hundred (100) employees. The amendment does not impose any additional impacts on small businesses. Small businesses must continue to maintain the maximum fee that may be charged by licensed check cashers to cash checks for retail consumers for this year.

2. Compliance Requirements: The amendment does not change existing compliance requirements. Pursuant to Banking Law Section 372 and 3 NYCRR Section 400.11, the maximum fee that may be charged for cashing a check is already regulated by the Department of Financial Services (“Department”). The amendment maintains the maximum amount that may be charged this year while the Department assesses the methodology.

3. Professional Services: No regulated entity that is a small business should need to retain professional services, such as lawyers or auditors, to comply with this amendment.

4. Compliance Costs: No additional compliance costs are expected as a result of the amendment.

5. Economic and Technological Feasibility: No additional economic or technological burden on regulated entities that are small businesses are expected.

6. Minimizing Adverse Impact: No adverse impacts are expected.

7. Small Business and Local Government Participation: Regulated entities that are small businesses will have an opportunity to participate in the rulemaking process at two future stages. First, the Department is conducting a small business outreach by posting a draft permanent regulation on its website before filing a proposal. Second, when the amendment is proposed as a permanent change to the regulation, regulated entities will have an opportunity to make public comments at that time. The proposal will be published in the State Register and posted again on the Department’s website.

Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas: There are entities regulated by the New York State Department of Financial Services located in all areas of the State, including rural areas. Six (6) of the seventy-five (75) check cashers licensed by the Department do business in rural areas of the state. However, amendments are not expected to impose any additional costs on regulated entities. Rather, the amendments hold the maximum fee that may be charged for cashing retail consumer checks steady while the Department of Financial Services proposes and ultimately adopts a new methodology for establishing the maximum check cashing fee.

2. Reporting, Recordkeeping, and Other Compliance Requirements; and Professional Services: The amendment does not create any new reporting, recordkeeping or other compliance requirements. No entity subject to the regulation should need to retain professional services, such as lawyers or auditors, to comply with this amendment.

3. Costs: The amendment will not increase costs for regulated entities.

4. Minimizing Adverse Impact: The regulation maintains the current maximum fee that may be charged for cashing retail checks while the Department proposes and ultimately adopts a new methodology for establishing the maximum check cashing fee.

5. Rural Area Participation: Regulated entities in rural areas will have an opportunity to participate in the rulemaking process as the Department proposes as a permanent change to the regulation. On [date], the Department posted the proposed amendment on its website for informal outreach and comments, in compliance with State Administrative Procedures Act Section 202-b(6). Regulated entities in rural areas also will have another opportunity to participate in the rulemaking process when the amendment is published in the State Register and again posted on the Department’s website.

Job Impact Statement

This emergency regulation maintains the status quo in terms of the maximum fees that check cashers may charge consumers. The calculation of the maximum check cashing fee is a nuanced issue, requiring a balancing of a number of competing interests, and the process currently set forth in Part 400.11 is inadequate. Therefore, the Department is proposing a new methodology soon to set the maximum fee for cashing a check. There will be no increase in the maximum check cashing fee for 2022.

This amendment should not adversely impact jobs or employment opportunities in New York State. In reaching this conclusion, the Department notes that many check cashers have other sources of revenue, including commercial check cashing, for which there is no limit on the fees that check cashers may charge, and income related sources of business, including agency agreements with money transmitters. The income generated by check cashers over the last several years has been sufficient to support substantial salaries and expenses for high level employees of check cashers. Moreover, many licensed check cashers offer discounted fees to certain customers and employees while charging the maximum fee to others, resulting in a tiered pricing scheme that raises additional questions about the need to continuously raise the maximum check cashing fee. For these reasons, an inflation adjustment for the maximum fee is not necessary this year.

Office for People with Developmental Disabilities

EMERGENCY RULE MAKING

Training Flexibilities

I.D. No. PDD-10-22-00010-E

Filing No. 353

Filing Date: 2022-05-16

Effective Date: 2022-05-16

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

Action taken: Addition of section 633.27 to Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b) and 16.00

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

Specific reasons underlying the finding of necessity: The emergency addition of section 14 NYCRR 633.27 that authorizes the Commissioner to permit abbreviated trainings and extend recertification deadlines for direct support professionals during periods of extreme staffing shortages for Article 16 facilities, is necessary to protect the health, safety, and welfare of individuals who receive these services. This regulation must be issued by emergency regulation to allow OPWDD the ability to increase staff available to properly take care of service recipients. OPWDD serves a vulnerable population and as such has a duty to ensure the services provided meet public health and safety standards which includes safe and appropriate staffing.

Subject: Training Flexibilities.

Purpose: To provide flexibilities in training requirements.

Text of emergency rule: A new section 633.27 is added to read as follows:

633.27 Training Flexibilities

Notwithstanding the requirements set forth in sections 633.8, 633.14, 633.16 and 633.17 of this Part, during periods of extreme staffing shortages, as determined by the commissioner, the commissioner may permit abbreviated training and/or approve the extension of recertification deadlines, as applicable, for direct support professionals employed in programs and facilities certified pursuant to Article 16 of the Mental Hygiene law.

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. PDD-10-22-00010-EP, Issue of March 9, 2022. The emergency rule will expire July 14, 2022.

Text of rule and any required statements and analyses may be obtained from: Mary Beth Babcock, Office for People With Developmental Disabilities, 44 Holland Ave., Albany, NY 12209, (518) 474-7700, email: rau.unit@opwdd.ny.gov

Additional matter required by statute: Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described herein will have no effect on the environment and an E.I.S. is not needed.

Regulatory Impact Statement

1. Statutory Authority:

a. The Office for People With Developmental Disabilities (OPWDD) has the statutory responsibility to provide and encourage the provision of appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of persons with intellectual and developmental disabilities, as stated in the New York State (NYS) Mental Hygiene Law (MHL) Section 13.07.

b. OPWDD has the statutory authority to adopt rules and regulations necessary and proper to implement any matter under its jurisdiction as stated in the NYS MHL Section 13.09(b).

c. OPWDD has the statutory authority to adopt regulations concerned with the operation of programs and the provision of services, as stated in the NYS MHL Section 16.00. The regulation also ensures compliance by OPWDD certified and operated residences with the proper provision of services.

d. OPWDD has the statutory authority to provide for the oversight of

facilities and providers of services holding operating certificates, as stated in the NYS MHL Section 16.11.

2. **Legislative Objectives:** The proposed regulations further legislative objectives embodied in MHL sections 13.07, 13.09(b), and 16.00. The proposed regulation adds Title 14 NYCRR Section 633.27 to authorize the Commissioner to permit abbreviated trainings and extend recertification deadlines for direct support professionals during periods of extreme staffing shortages as determined by the Commissioner.

3. **Needs and Benefits:** The proposed regulation adds Title 14 NYCRR Section 633.27 to authorize the Commissioner to permit abbreviated trainings and extend recertification deadlines for direct support professionals during periods of extreme staffing shortages. This regulation is necessary to protect the health, safety, and welfare of individuals who receive services from providers that are certified or operated by OPWDD. This regulation is being proposed due to the increasing need of services as well as staffing shortages during the ongoing COVID-19 epidemic. OPWDD serves a vulnerable population and as such has a duty to ensure the services provided meet public health and safety standards. Given the rise in covid cases throughout the pandemic OPWDD has had challenges meeting minimum staffing requirements for the many locations certified or operated across the state. By allowing more individuals to work in these Article 16 facilities, individuals being provided services will not have interruptions in their services.

4. Costs:

a. **Costs to the Agency and to the State and its local governments:** There is no anticipated impact on Medicaid expenditures as a result of the proposed regulations, as the entities that provide these services will only be providing such services to individual's already receiving Medicaid, in accordance with existing OPWDD policies and processes.

These regulations will not have any fiscal impact on local governments, as the contribution of local governments to Medicaid has been capped. Chapter 58 of the Laws of 2005 places a cap on the local share of Medicaid costs and local governments are already paying for Medicaid at the capped level.

There are no anticipated costs to OPWDD in its role as a provider of services to comply with the new requirements.

b. **Costs to private regulated parties:** There will not be any anticipated costs to regulated providers to comply with the proposed regulations. The regulation authorizes the Commissioner to facilitate more staff when there are periods of extreme staffing shortages. Therefore, there are no new anticipated costs.

5. **Local Government Mandates:** This rule would not apply to local government units. There are no new requirements imposed by the rule on any other county, city, town, village; or school, fire, or other special district.

6. **Paperwork:** Providers will not experience an increase in paperwork as a result of the proposed regulations.

7. **Duplication:** The proposed regulations do not duplicate any existing State or Federal requirements on this topic.

8. **Alternatives:** OPWDD did not consider any other alternatives to the proposed regulations. These changes are necessary to protect public health and individuals receiving services from providers certified or operated by OPWDD.

9. **Federal Standards:** The proposed amendments do not exceed any minimum standards of the federal government for the same or similar subject areas.

10. **Compliance Schedule:** OPWDD plans to adopt the regulations as an emergency regulation effective upon filing. Following the comment period OPWDD plans to adopt the regulation as permanent. OPWDD expects that providers will be in compliance with the proposed requirements at the time of their effective date(s).

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis for the proposed regulation is not being submitted because it is apparent from the nature and purpose of the regulation that it will not have a substantial adverse impact on small businesses or local governments. The proposed regulation adds Title 14 NYCRR Section 633.27 to authorize the Commissioner to permit abbreviated trainings and extend recertification deadlines for direct support professionals during periods of extreme staffing shortages for Article 16 facilities. The regulation will not result in new compliance requirements or additional professional services for providers. There is also no additional paperwork required by the amendment.

The regulation is designed to protect individuals when staffing shortages prevent the ability to safely care for an individual receiving services. A Regulatory Flexibility Analysis for the proposed regulation is not being submitted because it is apparent from the nature and purpose of the regulation that it will not have a substantial adverse impact on small businesses and/or local governments.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for these amendments is not being submitted because the regulation will not impose any adverse impact or

significant reporting, record keeping or other compliance requirements on public or private entities in rural areas. There are no professional services, capital, or other compliance costs imposed on public or private entities in rural areas as a result of the proposed regulation.

The proposed regulation adds Title 14 NYCRR Section 633.27 in order to authorize the Commissioner to permit abbreviated trainings and extend recertification deadlines for direct support professionals during periods of extreme staffing shortages for Article 16 facilities. The regulation will not result in an adverse impact on rural communities because the regulation applies to all Article 16 clinics who are certified or operated by OPWDD. The proposed regulation will not result in costs for regulated parties. Therefore, the amendments will not have any adverse effects on providers in rural areas and local governments.

Job Impact Statement

A Job Impact Statement for the proposed regulation is not being submitted because it is apparent from the nature and purpose of the regulation that it will not have a substantial adverse impact on jobs and/or employment opportunities.

The proposed regulation adds Title 14 NYCRR Section 633.27 in order to allow the Commissioner to permit abbreviated trainings and extend recertification deadlines for direct support professionals during periods of extreme staffing shortages for Article 16 facilities. The regulation will not result in new compliance requirements for providers. The regulation is designed to protect individuals when staffing shortages prevent the ability to safely care for an individual receiving services. The regulation is only to be used in cases of extreme staffing shortages. Thus, the regulation will not have a substantial impact on jobs or employment opportunities in New York State.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Administrative Compensation

I.D. No. PDD-09-22-00005-A

Filing No. 343

Filing Date: 2022-05-11

Effective Date: 2022-06-01

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

Action taken: Repeal of Part 645 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b) and 16.00

Subject: Administrative Compensation.

Purpose: To repeal Part 645.

Text or summary was published in the March 2, 2022 issue of the Register, I.D. No. PDD-09-22-00005-P.

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

Text of rule and any required statements and analyses may be obtained from: Mary Beth Babcock, Office for People With Developmental Disabilities, 44 Holland Avenue, Albany, NY 12209, (518) 474-7700, email: rau.unit@opwdd.ny.gov

Additional matter required by statute: Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described herein will have no effect on the environment and an E.I.S. is not needed.

Assessment of Public Comment

The agency received no public comment.

Public Service Commission

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Amendment of Con Edison's Electric Tariff to Reduce the Likelihood of Extreme and Sudden Price Volatility

I.D. No. PSC-22-22-00001-EP

Filing Date: 2022-05-12

Effective Date: 2022-05-12

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

Proposed Action: The Commission adopted an order on May 12, 2022, approving amendments to Consolidated Edison Company of New York, Inc.'s (Con Edison) Electric Tariff, P.S.C. No. 10 – Electricity, on an emergency basis. These tariff amendments address extreme and sudden volatility in the Company's electric commodity (supply) costs for its customers in the City of New York and Westchester by aligning supply prices more closely with the Company's hedging position, reducing the likelihood of significant customer bill volatility.

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

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

Specific reasons underlying the finding of necessity: It is necessary to respond to the high bills for Con Edison's full-service electric customers due to higher commodity (supply) costs, higher energy consumption resulting from cold weather, and a timing difference in the Company's billing process as to when hedges are reflected in customers' bills. Considering the financial impacts this price volatility has had on Con Edison's full-service electric customers, Con Edison seeks Commission approval to amend its electric tariff to include, among other things, an electric supply cost recovery mechanism that will more closely align supply prices with the Company's hedging positions. Absent immediate Commission action, the price volatility will continue. In order to help alleviate the financial hardships customers may face, this action cannot wait for the 60 day comment period to expire.

Subject: Amendment of Con Edison's electric tariff to reduce the likelihood of extreme and sudden price volatility.

Purpose: To protect electric customers from extreme and sudden commodity price volatility.

Substance of emergency/proposed rule: The Public Service Commission is considering a petition filed by Consolidated Edison Company of New York, Inc. (Con Edison or the Company) on March 14, 2022 to amend its electric supply cost recovery mechanism.

The Company proposes to amend its Schedule for Electricity Service, P.S.C. 10 – Electricity to address extreme and sudden volatility in its electric commodity (supply) costs for its customers in the City of New York and Westchester. According to Con Edison, these amendments would revise its electric supply cost recovery mechanisms to more closely align supply prices with the Company's hedging position, reducing the likelihood of significant customer bill volatility.

In late January and early February of this year higher supply costs, higher energy consumption from cold weather, and a timing difference in Con Edison's billing process caused significant volatility and higher than normal electric prices for customers. The petition provides revisions to Con Edison's Electric Tariff Schedule, P.S.C. No. 10, to modify its electric supply cost recovery mechanisms, effective June 1, 2022.

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.

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 August 9, 2022.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Department of Public Service, 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 amended rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(22-E-0150EP1)

NOTICE OF ADOPTION

Moratorium Management Procedure Proposal

I.D. No. PSC-09-21-00002-A

Filing Date: 2022-05-12

Effective Date: 2022-05-12

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

Action taken: On 5/12/22, the PSC adopted an order adopting the Moratorium Management Procedure Proposal filed by Department of Public Service Staff on February 12, 2021.

Statutory authority: Public Service Law, sections 5, 31, 65, 66-a and 66-b

Subject: Moratorium Management Procedure Proposal.

Purpose: To adopt the Moratorium Management Procedure Proposal.

Substance of final rule: The Commission, on May 12, 2022, adopted an order adopting the Moratorium Management Procedure Proposal filed by Department of Public Service Staff (Staff Proposal) on February 12, 2021. Consolidated Edison Company of New York, Inc. (Con Edison); The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY); KeySpan Gas East Corporation d/b/a National Grid (KEDLI); Orange and Rockland Utilities, Inc. (O&R); Central Hudson Gas & Electric Corporation (Central Hudson); Niagara Mohawk Power Corporation d/b/a National Grid (National Grid); New York State Electric & Gas Corporation (NYSEG); Rochester Gas and Electric Corporation (RG&E); National Fuel Gas Distribution Corporation (NFG); Liberty Utilities (St. Lawrence Gas) Corp. (Liberty); and Corning Natural Gas Corporation (Corning) shall comply with the moratorium management procedures set forth in the Staff Proposal. The companies shall file with the Secretary to the Commission a standard Consumer Bill of Rights within 45 days of the issuance of the order. The companies shall, within six months of the date of the order, provide initial drafts of the Local Distribution Companies' Public Communication Plans to Department of Public Service Staff for preliminary review, and then a final version shall be filed with the Secretary to the Commission 45 days thereafter. The companies shall each file individual draft tariff leaves containing the criteria identified in the body of the order within 90 days of the issuance of the order, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(20-G-0131SA2)

NOTICE OF ADOPTION

Gas System Planning Process Proposal

I.D. No. PSC-09-21-00006-A

Filing Date: 2022-05-12

Effective Date: 2022-05-12

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

Action taken: On 5/12/22, the PSC adopted an order adopting, with modifications, the Gas System Planning Process Proposal filed by Department of Public Service Staff on February 12, 2021.

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

Subject: Gas System Planning Process Proposal.

Purpose: To adopt, with modifications, the Gas System Planning Process Proposal.

Substance of final rule: The Commission, on May 12, 2022, adopted an order adopting, with modifications, the Gas System Planning Process Proposal filed by Department of Public Service Staff (Staff Proposal) on February 12, 2021. Consolidated Edison Company of New York, Inc. (Con Edison); The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY); KeySpan Gas East Corporation d/b/a National Grid (KEDLI); Orange and Rockland Utilities, Inc. (O&R); Central Hudson Gas & Electric Corporation (Central Hudson); Niagara Mohawk Power Corporation d/b/a National Grid (National Grid); New York State Electric & Gas Corporation (NYSEG); Rochester Gas and Electric Corporation (RG&E); National Fuel Gas Distribution Corporation (NFG); Liberty Utilities (St. Lawrence Gas) Corp. (Liberty); and Corning Natural Gas Corporation (Corning) shall comply with the gas system planning process set forth in the Staff Proposal. NFG shall file its initial long-term plan by December 15, 2022. Con Edison shall file its initial long-term plan by May 31, 2023. O&R shall file its initial long-term plan by May 31, 2023. NYSEG shall file its initial long-term plan by September 30, 2023. RG&E shall file its initial long-term plan by September 30, 2023. Central Hudson shall file its initial long-term plan by January 15, 2024. KEDLI and KEDNY shall file its initial long-term plan by May 31, 2024. National Grid shall file its initial long-term plan by May 31, 2024. Corning shall file its initial long-term plan by September 30, 2024, and Liberty shall file its initial long-term plan by January 31, 2025. The companies shall file with the Secretary to the Commission, within 90 days of the date of the order, proposals for Non-Pipe Alternative Screening Criteria and Non-Pipe Alternative Suitability Criteria and proposals for Non-Pipe Alternative cost recovery procedures and a Non-Pipe Alternative Incentive Mechanism. The companies shall also file with the Secretary to the Commission, within 90 days of the date of the order, reports on the costs of extending service to new customers, and within 180 days of the date of the order, depreciation studies. Department of Public Service Staff shall convene the Avoided Cost of Gas Working Group within 60 days of the date of this order, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(20-G-0131SA1)

NOTICE OF ADOPTION

Petitions for Rehearing

I.D. No. PSC-22-21-00008-A

Filing Date: 2022-05-16

Effective Date: 2022-05-16

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

Action taken: On 5/12/22, the PSC adopted an order approving Long Island Power Authority (LIPA) and Consolidated Edison Company of New York, Inc.'s (Con Edison) petitions for rehearing of a March 19, 2021 Commission Order.

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

Subject: Petitions for rehearing.

Purpose: To approve petitions for rehearing for both LIPA and Con Edison.

Substance of final rule: The Commission, on May 12, 2022, adopted an order approving Long Island Power Authority (LIPA) and Consolidated Edison Company of New York, Inc.'s (Con Edison) petitions for rehearing of the March 19, 2021 Commission Order Addressing Public Policy Requirements for Transmission Planning Purposes (March 2021 Order). Both companies petition for rehearing is granted and, on rehearing, the substance of the relief requested in the petitions is also granted. The New York Independent System Operator, Inc. shall utilize the default load ratio share allocation formula identified in the Open Access Transmission Tariff related to the cost recovery associated with the Public Policy Transmission Need identified in the March 2021 Order previously issued in this case, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(20-E-0497SA2)

NOTICE OF ADOPTION

Increase in Annual Revenues

I.D. No. PSC-39-21-00006-A

Filing Date: 2022-05-17

Effective Date: 2022-05-17

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

Action taken: On 5/12/22, the PSC adopted an order approving the Salamanca Board of Public Utilities (Salamanca) to increase its annual revenues by \$265,692, to become effective on June 1, 2022.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Increase in annual revenues.

Purpose: To approve Salamanca to increase its annual revenues.

Substance of final rule: The Commission, on May 12, 2022, adopted an order approving the Salamanca Board of Public Utilities (Salamanca) to increase its annual revenues by \$265,692, to become effective on June 1, 2022. Salamanca is directed to file a cancellation supplement, effective on not less than one day's notice, on or before May 19, 2022, cancelling the tariff amendments listed in Appendix A. Salamanca is directed to file, on not less than five days' notice, to become effective on June 1, 2022, further tariff revisions establishing the approved rates as shown in Appendices C and D and any other tariff changes consistent with the discussion in the body of the order. Salamanca is directed to provide its customers with notification of the Commission's determination in the order no later than four weeks after the issuance of the order. Salamanca is directed to file with the Secretary to the Commission, no later than four weeks after the issuance of the order, a copy of the customer notification, identified in Ordering Clause No. 4, and an attestation that the Salamanca Board of Public Utilities complied with Ordering Clause No. 4. Within 60 days of the date of issuance of the order, Salamanca shall file with the Secretary to the Commission an electric meter test plan as described in the body of the order, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(21-E-0453SA1)

NOTICE OF ADOPTION

Request for Incremental Demand-Side Management Programs

I.D. No. PSC-43-21-00008-A

Filing Date: 2022-05-13

Effective Date: 2022-05-13

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

Action taken: On 5/12/22, the PSC adopted an order approving, in part, modifying, in part, and denying, in part, KEDNY and KEDLI's request for Incremental Demand-Side Management Programs.

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

Subject: Request for Incremental Demand-Side Management Programs.

Purpose: To approve, modify, and deny, in part, KEDNY and KEDLI's request for Incremental Demand-Side Management Programs.

Substance of final rule: The Commission, on May 12, 2022, adopted an order approving, in part, modifying, in part, and denying, in part, The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY) and KeySpan Gas East Corporation d/b/a National Grid's (KEDLI) request for Incremental Demand-Side Management (DSM) Programs, as updated in a supplemental filing on March 25, 2022. KEDNY and KEDLI is authorized to recover the cost of implementing the programs through the Demand Capacity Surcharge Mechanism. The request to recover the cost of full-time equivalent employees (FTEs) related to the incremental DSM programs described in the DSM Proposal is denied. KEDNY and KEDLI's proposed reductions to their Capacity Demand Metrics is also modified. KEDNY and KEDLI shall file the Demand Capacity Surcharge Statements effective July 1, 2022. The statements shall be filed on not less than 15 days' notice, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(19-G-0309SA2)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-51-21-00010-A

Filing Date: 2022-05-17

Effective Date: 2022-05-17

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

Action taken: On 5/12/22, the PSC adopted an order approving 540 Fulton Associates LLC's (540 Fulton) notice of intent to submeter electricity at 540 Fulton Street, Brooklyn, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 540 Fulton's notice of intent to submeter electricity.

Substance of final rule: The Commission, on May 12, 2022, adopted an order approving 540 Fulton Associates LLC's notice of intent to submeter electricity at 540 Fulton Street, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(21-E-0031SA1)

NOTICE OF ADOPTION

Electric Emergency Response Plans

I.D. No. PSC-02-22-00005-A

Filing Date: 2022-05-12

Effective Date: 2022-05-12

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

Action taken: On 5/12/22, the PSC adopted an order approving five major utilities electric emergency response plans, filed on December 15, 2021,

and amended in May 2022, and denying Consolidated Edison Company of New York, Inc. (Con Edison) emergency response plan.

Statutory authority: Public Service Law, sections 5(1)(b), 25-a and 66(21)

Subject: Electric emergency response plans.

Purpose: To approve five utilities and deny Con Edison's electric emergency response plans.

Substance of final rule: The Commission, on May 12, 2022, adopted an order approving the electric emergency response plans filed on December 15, 2021, and amended in May 2022, by Central Hudson Gas & Electric Corporation, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange & Rockland Utilities, Inc., and Rochester Gas and Electric Corporation. These five utilities shall implement such plans. The emergency response plan filed on December 15, 2021 by Consolidated Edison Company of New York, Inc. (Con Edison) is rejected and the company shall continue to operate under the previously approved emergency response plan filed on August 13, 2021. Con Edison shall also engage in negotiations with Department of Public Service Staff to bring about the inclusion of a small set of modest amendments to augment the company's existing August 2021 emergency response plan. The negotiations shall conclude by May 31, 2022. The Commission retains the discretion to review any such amendments or consider modifications of the emergency response plan at a coming session, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(21-E-0567SA1)

NOTICE OF ADOPTION

Petition to Retain Property Tax Refunds

I.D. No. PSC-05-22-00002-A

Filing Date: 2022-05-16

Effective Date: 2022-05-16

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

Action taken: On 5/12/22, the PSC adopted an order approving, subject to conditions, Verizon New York Inc.'s (Verizon) petition to retain \$2,762,627, the regulated intrastate portion of property tax refunds it received from the City of New York for 2019-2020 tax year.

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

Subject: Petition to retain property tax refunds.

Purpose: To approve, subject to conditions, Verizon's petition to retain property tax refunds.

Substance of final rule: The Commission, on May 12, 2022, adopted an order approving, subject to conditions, Verizon New York Inc.'s (Verizon) petition to retain \$2,762,627, the regulated intrastate portion of the property tax refunds it received from the City of New York for the 2019-2020 tax year. Verizon is directed to, within 60 days of the effective date of the order, file with the Secretary a detailed description of the extent to which the proceeds from the intrastate portion of the tax refund were used to increase support for its intrastate service quality and network reliability, and shall specify the extent to which those proceeds increased its capital or expense associated with its physical plant in New York State above what they would otherwise have been in the absence of the retained refunds, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(22-C-0019SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-06-22-00010-A

Filing Date: 2022-05-13

Effective Date: 2022-05-13

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

Action taken: On 5/12/22, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to P.S.C. No. 12 — Electricity, to become effective on June 1, 2022.

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

Subject: Tariff amendments.

Purpose: To approve Con Edison's tariff amendments.

Substance of final rule: The Commission, on May 12, 2022, adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to P.S.C. No. 12 – Electricity, to allow certain electric customers of the Power Authority of the State of New York (PASNY) who are served under P.S.C. No. 12 – Electricity (PASNY Tariff) to be eligible for Phase One Net Energy Metering compensation, to become effective on June 1, 2022, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(15-E-0751SA41)

NOTICE OF ADOPTION

Petition to Retain Property Tax Refunds

I.D. No. PSC-06-22-00012-A

Filing Date: 2022-05-16

Effective Date: 2022-05-16

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

Action taken: On 5/12/22, the PSC adopted an order approving, subject to conditions, Verizon New York Inc.'s (Verizon) petition to retain \$5,674,322, the regulated intrastate portion of property tax refunds it received from the Town of Hempstead for 2003-2012 tax years.

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

Subject: Petition to retain property tax refunds.

Purpose: To approve, subject to conditions, Verizon's petition to retain property tax refunds.

Substance of final rule: The Commission, on May 12, 2022, adopted an order approving, subject to conditions, Verizon New York Inc.'s (Verizon) petition to retain \$5,674,322, the regulated intrastate portion of the property tax refunds it received from the Town of Hempstead for the 2003-2012 tax years. Verizon is directed to, within 60 days of the effective date of the order, file with the Secretary a detailed description of the extent to which the proceeds from the intrastate portion of the tax refund were used to increase support for its intrastate service quality and network reliability, and shall specify the extent to which those proceeds increased its capital or expense associated with its physical plant in New York State above what they would otherwise have been in the absence of the retained refunds, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(22-C-0058SA1)

NOTICE OF ADOPTION**Petition for Extension**

I.D. No. PSC-06-22-00013-A

Filing Date: 2022-05-16

Effective Date: 2022-05-16

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

Action taken: On 5/12/22, the PSC adopted an order denying CleanChoice Energy, Inc.'s (CleanChoice) request for a one-year extension of the implementation date for compliance with the renewable energy requirements of the Commission's Order, issued on December 12, 2019.

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

Subject: Petition for extension.

Purpose: To deny CleanChoice's request for a one-year extension.

Substance of final rule: The Commission, on May 12, 2022, adopted an order denying CleanChoice Energy, Inc.'s request for a one-year extension of the implementation date for compliance with the renewable energy requirements of the Commission's Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process, issued on December 12, 2019 in this proceeding, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(15-M-0127SA39)

NOTICE OF ADOPTION**Transfer of Street Lighting Facilities**

I.D. No. PSC-07-22-00008-A

Filing Date: 2022-05-16

Effective Date: 2022-05-16

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

Action taken: On 5/12/22, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities located within the premises of Erie County Medical Center Corporation (ECMCC) to ECMCC.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of street lighting facilities.

Purpose: To approve National Grid's petition to transfer street lighting facilities to ECMCC.

Substance of final rule: The Commission, on May 12, 2022, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities located within the premises of the Erie County Medical Center Corporation (ECMCC) to ECMCC. The authority is granted for one year from the issuance of the order and shall expire if the transaction does not occur within that time period. National Grid is directed to file with the Secretary, within 60 days of the transfer of the street lighting facilities to ECMCC, a copy of the actual journal entries recorded to account for this transaction, together with the related workpapers, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

tion, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(21-E-0634SA1)

NOTICE OF ADOPTION**Financing Petition**

I.D. No. PSC-08-22-00002-A

Filing Date: 2022-05-13

Effective Date: 2022-05-13

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

Action taken: On 5/12/22, the PSC adopted an order approving Orange and Rockland Utilities, Inc. (O&R) to issue and sell up to \$285 million of unsecured debt in one or more transactions, not later than December 31, 2025, and enter into Revolving Credit Agreement(s).

Statutory authority: Public Service Law, section 69

Subject: Financing Petition.

Purpose: To approve O&R's financing petition.

Substance of final rule: The Commission, on May 12, 2022, adopted an order approving Orange and Rockland Utilities, Inc. (O&R) to issue and sell up to \$285 million of unsecured debt in one or more transactions, not later than December 31, 2025. The proceeds from the issuance of these securities shall only be used for the purposes described in Ordering Clause 2. O&R is authorized to enter into Revolving Credit Agreement(s) in a cumulative amount not to exceed \$200 million, not to extend beyond December 31, 2025. For the purposes of the optional refinancing of its outstanding unsecured debt, O&R is authorized to issue up to \$150 million of unsecured debt, not later than December 31, 2025. This order replaces the authorization granted in the Order Authorizing Issuance of Securities, issued April 23, 2020, in Case 19-M-0779 and the authorization granted in that proceeding is hereby revoked. The proceeds from the issuance of the securities authorized by the order may be used only for the following: a) the acquisition of property, the construction, completion, extension or improvement of O&R's facilities or the improvement or maintenance of the Company's service within New York State (to the extent such expenditures exceed funds originating from credits to the accumulated provision for depreciation, net salvage, and accumulated deferred income taxes); b) for the discharge or lawful refunding of the Company's obligations; or c) to reimburse O&R's treasury for equivalent moneys expended for those purposes prior to September 30, 2021, provided that the Company has kept its accounts and vouchers of such expenditures in such a manner as to enable the Commission to ascertain the amount of moneys so expended and the purposes for which such expenditures were made. Within 30 days after the end of each calendar quarter, O&R shall submit a compliance filing to the Secretary to the Commission containing the elements described in the body of the order for any security executed during that particular quarter. If O&R does not issue any securities during that quarterly period, the Company shall submit a quarterly compliance filing indicating that no such securities were issued. Within 30 days after the end of each calendar quarter, O&R shall submit to the Secretary to the Commission a compliance filing containing the elements described in the body of the order for the execution of any debt authorized under the order during that particular quarter for the purposes of optionally refinancing its existing debt. The compliance filing shall include, at a minimum, a net present value analysis which demonstrates that the Company will obtain reasonable savings because of the refinancing or, if O&R predicated the refinancing upon other criteria, a letter by the O&R's Chief Financial Officer which certifies and explains the reasonableness of its refinancing strategy. The filing shall also include a proposed amortization schedule for any redemption premium and unamortized debt discount and expense balances. This schedule shall reflect an amortization period that is the shorter of the remaining life of any refinanced issue or the life of the new debt issue. If O&R does not optionally refinance securities during that quarterly period, it shall submit a quarterly compliance filing indicating that no such securities were issued. Subject to the conditions in the body of the order, O&R is authorized to defer its costs associated with the issuance of securities authorized under the order in Account 181, Unamortized Debt Expense. The amounts so

deferred shall be amortized to Account 428, Amortization of Debt Discount and Expense. In the case of securities issued to refinance existing securities, O&R shall recover the costs associated with issuing the securities, except to the extent that the associated costs are drawn from the proceeds of securities, over the shorter of the remaining life of the refinanced securities or the life of the new securities. O&R shall, within 60 days after the end of each calendar year, file with the Secretary to the Commission a verified report in the form prescribed by 16 NYCRR Sections 115.1 and 245.1. The report shall include the date the proceeds were utilized for the purposes authorized in Ordering Clauses 1 and 2 of the order, the amount, and the purpose for which the funds were used. If, upon examination of the uses of any proceeds, it is determined that any expenditure is not a reasonable and proper capital charge, or has not been duly authorized by the Commission, or is in violation of any provision of the law, O&R shall, upon order of the Commission, promptly place a sum equal to the expenditure in a commercial banking institution or institutions and said sum shall be subject to all of the conditions and restrictions of the order. The authority granted, and the conditions imposed by the order shall not be construed as passing upon or otherwise approving the accuracy of the books, records, and accounts of O&R, nor does the authority to issue securities bind this Commission to any specific ratemaking treatment or regulatory regime. The securities authorized by the order shall not be issued unless and until O&R has filed with the Secretary to the Commission its unconditional acceptance of and its acknowledgement that it will obey all the terms, conditions and requirements of the order. If O&R does not file such acceptance and acknowledgement within 30 days from the issuance date of the order, the Commission may revoke the order without further notice, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(22-M-0062SA1)

NOTICE OF ADOPTION

Submetering Equipment

I.D. No. PSC-08-22-00003-A

Filing Date: 2022-05-17

Effective Date: 2022-05-17

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

Action taken: On 5/12/22, the PSC adopted an order approving Itron, Inc.'s (Itron) petition to use the Itron Gen 5 Riva Commercial Meter, model RP3SIA for use in commercial electric metering applications in New York State.

Statutory authority: Public Service Law, section 67(1)

Subject: Submetering equipment.

Purpose: To approve Itron's petition to use electric submetering equipment.

Substance of final rule: The Commission, on May 12, 2022, adopted an order approving Itron, Inc.'s (Itron) petition to use the Itron Gen 5 Riva Commercial Meter, model RP3SIA for use in commercial electric metering applications in New York State, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(21-E-0624SA1)

NOTICE OF ADOPTION

Transfer of Street Lighting Facilities

I.D. No. PSC-08-22-00005-A

Filing Date: 2022-05-16

Effective Date: 2022-05-16

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

Action taken: On 5/12/22, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities located within the City of Saratoga Springs (Saratoga Springs) to Saratoga Springs.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of street lighting facilities.

Purpose: To approve National Grid's petition to transfer street lighting facilities to Saratoga Springs.

Substance of final rule: The Commission, on May 12, 2022, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities located within the City of Saratoga Springs, New York (Saratoga Springs) to Saratoga Springs. The authority is granted for one year from the issuance of the order and shall expire if the transaction does not occur within that time period. National Grid is directed to file with the Secretary, within 60 days of the transfer of the street lighting facilities to Saratoga Springs, a copy of the actual journal entries recorded to account for this transaction, together with the related workpapers, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(22-E-0069SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-09-22-00012-A

Filing Date: 2022-05-12

Effective Date: 2022-05-12

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

Action taken: On 5/12/22, the PSC adopted an order approving New York State Electric & Gas Corporation (NYSEG) and Rochester Gas and Electric Corporation's (RG&E) tariff amendments, to become effective June 1, 2022.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Tariff amendments.

Purpose: To approve NYSEG and RG&E's tariff amendments.

Substance of final rule: The Commission, on May 12, 2022, adopted an order approving New York State Electric & Gas Corporation (NYSEG) and Rochester Gas and Electric Corporation's (RG&E) tariff amendments to P.S.C. No. 121 – Electricity and P.S.C. No. 18 – Electricity, respectively, to effectuate cost recovery of the electric vehicle make-ready programs (EV Make-Ready Programs) from Street Lighting customers via an EV Make-Ready Surcharge, to become effective June 1, 2022. NYSEG and RG&E are directed to file copies of the language included in the bill inserts for Street Lighting customers, within 15 days of the issuance of this order, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(18-E-0138SA6)

NOTICE OF ADOPTION**Water Service Agreement, Extension and Waivers**

I.D. No. PSC-10-22-00013-A

Filing Date: 2022-05-16

Effective Date: 2022-05-16

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

Action taken: On 5/12/22, the PSC adopted an order approving Saratoga Water Services, Inc's (Saratoga Water) Agreement for the Provision of Water Service with Catskill Hudson Bancorp, Inc. (Catskill Hudson), extension of water service, and waivers of tariff provisions.

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

Subject: Water Service Agreement, extension and waivers.

Purpose: To approve Saratoga Water's Agreement for the Provision of Water Service, extension and waivers.

Substance of final rule: The Commission, on May 12, 2022, adopted an order approving Saratoga Water Services, Inc.'s (Saratoga Water) Agreement for the Provision of Water Service with Catskill Hudson Bancorp, Inc. along with the extension of water service to fulfill said agreement. The requested waivers of Sections XI (1) and XIII, on Leaves 44 and 45 of Saratoga Water's tariff, P.S.C No. 4 – Water, and Title 16 of the New York Codes, Rules and Regulations § 501.2, 501.3, 501.4, 501.6, 501.10, and 502.3 are also approved. The requested waiver of Title 16 of the New York Codes, Rules and Regulations § 501.9 is approved limited to waiving the requirement that territory extensions comply with the tariff and Commission regulation provisions waived by Ordering Clause 2. Saratoga Water is directed to file with the Secretary to the Commission, within 30 days of issuance by the Department of Environmental Conservation, a copy of the permit authorizing the extension of water service, subject to the terms and conditions set forth in the order

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(22-W-0023SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

National Grid's Proposed Gas Demand Response Program

I.D. No. PSC-22-22-00013-P

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

Proposed Action: The Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid for a gas demand response program designed to reduce gas consumption on high-demand days.

Statutory authority: Public Service Law, sections 65 and 66

Subject: National Grid's proposed gas demand response program.

Purpose: To determine if National Grid's proposed gas demand response program is in the public interest.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on April 25, 2022 by Niagara Mohawk Power Corporation d/b/a National Grid (Petitioner), for authorization of its proposed gas demand response program, which is intended to reduce gas consumption on high-demand days.

On January 20, 2022, the Public Service Commission issued an Or-

der, among other things, requiring Petitioner to file a gas demand response program implementation plan. The program as filed is composed of two parts, one for Commercial, Industrial and Multi-Family residences, for customers capable of reducing peak demand for periods of eight or four hours a day, and one for Residential and Small Business customers, that will authorize the Petitioner to adjust participants' thermostats remotely during times of peak demand. Petitioner also requests authority to recover non-labor costs (incentives and vendor fees) through a new surcharge to go into effect on July 1, 2023 and includes proposed tariff amendments to implement the program.

The full text of the petition and the full record of the proceeding may be viewed 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.

(20-G-0381SP2)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Amendments to the Standardized Interconnection Requirements

I.D. No. PSC-22-22-00014-P

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

Proposed Action: The Public Service Commission is considering a petition filed on March 9, 2022 to amend Appendix A of the New York State Standardized Interconnection Requirements.

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

Subject: Amendments to the Standardized Interconnection Requirements.

Purpose: To consider changes to accommodate the interconnection of distributed energy resources by governmental entities.

Substance of proposed rule: The Commission is considering a petition filed by the State University of New York, the New York State Office of Parks, Recreation, and Historic Preservation, the New York State Department of Transportation, and the City of New York (City), acting through its Department of Citywide Administrative Services (collectively, Petitioners) on March 9, 2022, seeking an amendment to the New York State Standardized Interconnection Requirements and Application Process for New Distributed Generators and Energy Storage Systems 5 MW or Less Connected in Parallel with Utility Distribution Systems (SIR).

Specifically, the Petitioners request that the Commission adopt proposed changes to the SIR Appendix A – New York State Standardized Contract for Interconnection of New Distributed Generation Units and/or Energy Storage Systems with Capacity of 5 MW or Less Connected in Parallel with Utility Distribution Systems (Interconnection Contract). The Petitioners indicate that the proposed changes would allow New York State and City Agencies (collectively, Government Entities) to own and operate on-site distributed energy resources (DERs).

The Petitioners explain that the current Interconnection Contract contains provisions with which the Government Entities cannot comply because of legal or policy restrictions. As an example, the Petitioners note that Section 41 of the New York State Finance Law prevents state agencies from depositing funds into an escrow account, which is required under the current Interconnection Contract, because such a deposit would amount to an expenditure without an appropriation. The Petitioners propose that the Commission adopt an

alternative Interconnection Contract for Government Entities that incorporates several proposed revisions to enable the Petitioners to own and operate on-site DERs.

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) 474-6517, 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-0137SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposal to Make an Adjustment to Its URD Surcharge

I.D. No. PSC-22-22-00015-P

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

Proposed Action: The Commission is considering a proposal filed by Central Hudson Gas & Electric Corporation to modify P.S.C. No. 15 — Electricity, to adjust the Underground Residential Distribution Contribution (URD) surcharge for recovery of conduit costs.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Proposal to make an adjustment to its URD surcharge.

Purpose: To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Substance of proposed rule: The Commission is considering a proposal filed by Central Hudson Gas and Electric Corporation (Central Hudson) on April 29, 2022, to modify its Electric Tariff Schedule, P.S.C. No. 15 — Electricity.

Central Hudson seeks to include the recovery of conduit costs in the Underground Residential Distribution Contribution (URD) surcharge for residential subdivisions, which Central Hudson calculates using a five-year average of actual costs. Central Hudson proposes to use an average of the actual calendar-year conduit costs as a proxy in the calculation for the outer years until it has five years of actual conduit cost data. The proposed amendments have an effective date of September 1, 2022.

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

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

Data, views or arguments may be submitted to: 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-0285SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Transfer of Street Lighting Facilities

I.D. No. PSC-22-22-00017-P

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

Proposed Action: The Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid seeking authorization to transfer certain street lighting facilities in the Village of Avon to the Village of Avon.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of street lighting facilities.

Purpose: To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on April 26, 2022 by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), requesting the authority to transfer certain street lighting facilities located in the Village of Avon (Village) to the Village.

The original cost of the facilities was approximately \$238,037 and the net book value of the assets is \$118,200, as of January 31, 2022. National Grid proposes to transfer the street lighting facilities to the Village for approximately \$123,570, which includes the net book value of the assets as well as transition and transaction costs, less a one-time price reduction of \$2,893. National Grid explains that the agreement between it and the Village provides that the purchase price will be adjusted (up or down) to reflect the actual net book value at the date of the closing.

The full text of the petition and the full record of the proceeding may be viewed 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-0252SP1)

Office of Temporary and Disability Assistance

EMERGENCY RULE MAKING

2019 Novel Coronavirus (COVID-19) Masking Requirements in Congregate Shelters

I.D. No. TDA-01-22-00001-E

Filing No. 352

Filing Date: 2022-05-13

Effective Date: 2022-05-13

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

Action taken: Addition of section 304.3 to Title 18 NYCRR.

Statutory authority: Social Services Law, sections 17(a)-(b), (k), 20(2), (3)(d)-(e), 34(3)(c)-(f), (6) and 460-c

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

Specific reasons underlying the finding of necessity: The Office of Temporary and Disability Assistance (OTDA) finds that it is necessary for the preservation of the public health, public safety and the general welfare that these amendments be readopted on an emergency basis, as authorized by the State Administrative Procedure Act (SAPA) § 202(6). The 2019 Novel Coronavirus (COVID-19) pandemic remains a significant challenge in New York State. Since March 2020, more than 5,150,000 New Yorkers have been infected by the COVID-19 virus, and the disease has killed more than 70,700 New Yorkers. There is a concerning trend of circulation of the Delta and Omicron variants. Congregate shelters for persons experiencing homelessness are high-risk settings because persons placed in these facilities have frequent contact with shelter staff and other residents. This regulation is necessary to help prevent the spread of the COVID-19 virus in congregate shelters for persons experiencing homelessness, and to help ensure that persons placed in congregate shelters and shelter staff are less likely to contract COVID-19 and potentially suffer severe illness or death.

It is noted that the regulatory amendments are being readopted pursuant to a Notice of Emergency Adoption due to time constraints. To preserve public health, public safety and general welfare, OTDA originally promulgated the emergency rule via a Notice of Emergency Adoption and Proposed Rule Making on December 15, 2021, and the emergency rule became effective on that date. The Notice of Emergency Adoption and Proposed Rule Making was published in the New York State Register on January 5, 2022 under I.D. No. TDA-01-22-00001-EP. OTDA accepted public comments on the current emergency rule through March 7, 2022. No public comments have been received to date by OTDA pertaining to the emergency rule. OTDA readopted the emergency rule via a Notice of Emergency Adoption on March 15, 2022, which was published in the New York State Register on March 30, 2022 under I.D. No. TDA-01-22-00001-E. The current emergency rule expires on May 13, 2022. This second re-adoption of the current emergency rule is necessary in order to avoid a lapse in the current emergency rule.

Subject: 2019 Novel Coronavirus (COVID-19) masking requirements in congregate shelters.

Purpose: Protect the well-being of shelter staff and persons staying in congregate shelters.

Text of emergency rule: Part 304 of Title 18 of the NYCRR is amended by adding a new § 304.3 to read as follows:

§ 304.3 2019 Novel Coronavirus (COVID-19) Masking Requirements in Congregate Shelters.

(a) This section shall apply to congregate shelters for persons experiencing homelessness that are reimbursed directly or indirectly from State or State-administered grants or funds. For purposes of this section, the following definitions shall apply:

(1) "Congregate shelters" means all shelters for adults, small-capacity shelters, shelters for adult families, and shelters for families, as those terms are defined in sections 491.2 and 900.2 of this Title, in which more than three unrelated persons share the same sleeping quarters.

(2) The "Office" means the State Office of Temporary and Disability Assistance.

(3) "Shelter staff" includes but is not limited to all shelter employees, volunteers, and contractors and subcontractors whose primary job responsibility is to work in the congregate shelter.

(b) Operators of congregate shelters subject to this section shall require all members of the shelter staff, shelter residents, visitors, and any other persons entering the facility to wear appropriate face coverings, consistent with directives issued by the Office and guidance issued by the Centers for Disease Control and Prevention (CDC) and the New York State Department of Health.

(c) Exemptions from face covering requirements. Face coverings are not required to be worn by:

(1) children under two years of age;

(2) persons with disabilities who cannot wear masks, or cannot safely wear masks, for reasons related to their disabilities, and

(3) persons for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by an Occupational Safety and Health Administration workplace risk assessment.

(d) Enforcement. The Office may take any of the enforcement actions set forth in sections 491.23(b) and 900.23(b) of this Title to assure compliance with the requirements of this section.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a

permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. TDA-01-22-00001-EP, Issue of January 5, 2022. The emergency rule will expire July 11, 2022.

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

Regulatory Impact Statement

1. Statutory authority:

Social Services Law (SSL) § 17(a)-(b) and (k) provide, in part, that the Commissioner of the Office of Temporary and Disability Assistance (OTDA) shall "determine the policies and principles upon which public assistance, services and care shall be provided within the [S]tate both by the [S]tate itself and by the local governmental units ...", shall "make known his policies and principles to local social services officials and to public and private institutions and welfare agencies subject to his regulatory and advisory powers ...", and shall "exercise such other powers and perform such other duties as may be imposed by law."

SSL § 20(2) provides, in part, that the OTDA shall "supervise all social services work, as the same may be administered by any local unit of government and the social services officials thereof within the state, advise them in the performance of their official duties and regulate the financial assistance granted by the state in connection with said work." Pursuant to SSL § 20(3)(d) and (e), OTDA is authorized to promulgate rules, regulations, and policies to fulfill its powers and duties under the SSL and "to withhold or deny State reimbursement, in whole or in part, from or to any social services district ["SSD"] or any city or town thereof, in the event of [their] failure... to comply with law, rules or regulations of [OTDA] relating to public assistance and care or the administration thereof."

SSL § 34(3)(c) requires OTDA's Commissioner to "take cognizance of the interests of health and welfare of the inhabitants of the [S]tate who lack or are threatened with the deprivation of the necessities of life and of all matters pertaining thereto." In addition, pursuant to SSL § 34(3)(d), OTDA's Commissioner must exercise general supervision over the work of all SSDs, and SSL § 34(3)(e) provides that OTDA's Commissioner must enforce the SSL and the State regulations within the State and in the local governmental units. Pursuant to SSL § 34(3)(f), OTDA's Commissioner must establish regulations for the administration of public assistance and care within the State by the SSDs and by the State itself, in accordance with the law. Pursuant to SSL § 34(6), OTDA's Commissioner "may exercise such additional powers and duties as may be required for the effective administration of the department and of the [S]tate system of public aid and assistance."

SSL § 460-c confers authority upon OTDA to "inspect and maintain supervision over all public and private facilities or agencies whether [S]tate, county, municipal, incorporated or not incorporated which are in receipt of public funds," which includes emergency shelters.

2. Legislative objectives:

It is the intent of the Legislature in enacting the above statutes that OTDA establish rules, regulations, and policies to provide for the health, safety and general welfare of vulnerable families and individuals who are placed in emergency shelters for persons or families experiencing homelessness.

3. Needs and benefits:

The 2019 Novel Coronavirus (COVID-19) pandemic remains a significant challenge in New York State. Since March 2020, more than 5,150,000 New Yorkers have been infected by the COVID-19 virus, and the disease has killed more than 70,700 New Yorkers. There is a concerning trend of circulation of the Delta and Omicron variants. Congregate shelters for persons experiencing homelessness are high-risk settings because persons placed in these facilities have frequent contact with shelter staff and other residents. This regulation is necessary to prevent the spread of the COVID-19 virus in congregate shelters for persons experiencing homelessness, and to help to ensure that persons placed in congregate shelters and shelter staff are less likely to contract COVID-19 and potentially suffer severe illness or death.

4. Costs:

To the extent that the regulatory amendments would require residents of congregate shelters and shelter staff, visitors and other persons entering the facility to wear face coverings, the amendments would not result in significant costs to the State, to local governments, or to the operators of regulated congregate shelters.

5. Local government mandates:

Only local governments that operate congregate shelters for persons experiencing homelessness would be impacted by the regulatory amendments. There are six congregate shelters in New York City (NYC) that are operated by the NYC Department of Homeless Services. There are no congregate shelters outside of NYC that are operated by a local government.

6. Paperwork:

There are no paperwork requirements.

7. Duplication:

The regulatory amendments do not duplicate, overlap, or conflict with any State or federal statute or rule.

8. Alternatives:

The alternative is to remain silent, which may result in additional exposure of shelter residents and staff to the COVID-19 virus, which could result in severe illness or death.

9. Federal standards:

This regulation does not conflict with federal standards.

10. Compliance schedule:

To preserve public health, public safety and general welfare, OTDA originally promulgated the emergency rule via a Notice of Emergency Adoption and Proposed Rule Making on December 15, 2021, and the emergency rule became effective on that date. OTDA readopted the emergency rule on March 15, 2022. The current emergency rule expires on May 13, 2022. Since the regulatory amendments are presently in effect, the State and the districts are already in compliance with the regulatory amendments.

Regulatory Flexibility Analysis

1. Effect of rule:

The regulation will not impact local governments or small businesses unless they operate congregate shelters. For purposes of this RFASBLG, "small business" means "any business which is resident in this state, independently owned and operated, and employs one hundred or less individuals." (State Administrative Procedure Act § 102[8]). There are approximately 380 publicly-funded congregate shelters operating within the State. Six of those congregate shelters are in New York City (NYC) and are operated by the NYC Department of Homeless Services. Of the remaining congregate shelters operating within the State, and especially those located outside of NYC, many are independently owned and operated by entities that employ 100 or fewer individuals. If a local government or a small business does operate a congregate shelter, it will need to require that all members of the shelter staff, shelter residents, visitors and any other persons entering the facility wear appropriate face coverings.

2. Compliance requirements:

Operators of congregate shelters will need to periodically check their shelter staff, shelter residents, visitors and any other persons entering the facility to confirm that face coverings are being worn correctly.

3. Professional services:

Professional services are not required by this regulation.

4. Compliance costs:

There are no anticipated costs to local governments or small businesses as a result of this regulation.

5. Economic and technological feasibility:

It is not anticipated that there would be economic or technical impediments to the regulation.

6. Minimizing adverse impact:

Any adverse impacts are expected to be minimal and are outweighed by the regulation's health and safety benefits to residents and shelter staff.

7. Small business and local government participation:

The issues addressed by the regulation have existed since the formal declaration of the 2019 Novel Coronavirus (COVID-19) pandemic in March of 2020. Throughout the pandemic, OTDA has been in regular contact with the social services districts (districts) to help ensure the health and safety of residents and staff in congregate shelters. Districts have had an opportunity to express any concerns or questions throughout the COVID-19 pandemic. OTDA remains committed to continuing these relationships.

8. Cure Period:

This regulation does not include a cure period given the serious threat the COVID-19 virus presents and the urgent need to have face coverings worn in congregate shelters.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

For purposes of this RAFA, "rural area" means areas of the State defined by Executive Law § 481(7) (see State Administrative Procedure Act § 102[10]). Per Executive Law § 481(7), rural areas are defined as "counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, programs and such other entities or resources as are found therein. In counties of two hundred thousand or greater population, 'rural areas' means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein." Based upon United States Census Bureau estimated county populations for 2010, there are: (a) 43 counties that have populations of less than 200,000; and (b) 11 counties with populations of over 200,000 that have towns with popula-

tion densities of 150 persons or fewer per square mile. There are 24 congregate shelters operating in 13 of these counties: Cattaraugus County (3), Cayuga County (2), Chautauqua County (1), Chemung County (1), Franklin County (1), Oswego County (2), Otsego County (2), Rensselaer County (2), Schenectady County (3), Tompkins County (1), Ulster County (2), Warren County (1), and Yates County (3).

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

Operators of congregate shelters in rural areas will require all members of the shelter staff, shelter residents, visitors and any other persons entering the facility to wear appropriate face coverings. There are no reporting or recordkeeping requirements, and professional services will not be required.

3. Costs:

There are no anticipated costs to the State, local governments, or shelter operators as a result of this regulation.

4. Minimizing adverse impact:

Any adverse impacts are expected to be minimal and are outweighed by the regulation's health and safety benefits to residents and shelter staff.

5. Rural area participation:

Since the outset of the 2019 Novel Coronavirus (COVID-19) pandemic, the Office of Temporary and Disability Assistance (OTDA) has continuously worked with all social services districts operating congregate shelters for persons experiencing homelessness that are reimbursed directly or indirectly from State or State-administered grants or funds regarding actions to help minimize the spread of COVID-19. OTDA anticipates continuing these relationships.

Job Impact Statement

A JIS is not required for the regulatory amendments. It is apparent from the nature and purpose of the regulatory amendments that they would not have a substantial adverse impact on jobs and employment opportunities in the public and private sectors of the State. The regulatory amendments will not substantively affect the jobs of employees at the state or social service district (district) level. Readoption of the regulatory amendments will not impose any new annual costs or administrative burdens upon the districts.

Assessment of Public Comment

The agency received no public comment.

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-13-22-00029-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)
Environmental Conservation, Department of		
ENV-20-22-00003-P	Solid Waste Management Regulations	Electronic Webinar—July 19, 2022, 2:00 p.m. Electronic Webinar—July 19, 2022, 6:00 p.m. Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for the 6 NYCRR Part 360 Series, Part 371 and Part 377 by May 18, 2022. The proposed regulations webpage may be accessed at: https://www.dec.ny.gov/regulations/125274.html Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 360 Series public comment hearing. The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than Tuesday, July 5, 2022. The written request must be addressed to ALJ Jennifer Ukeritis, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Jennifer Ukeritis at: ohms@dec.ny.gov
Long Island Power Authority		
LPA-17-22-00011-P	Access to records and fees collected under the Freedom of Information Law	Virtual Public Meeting—June 27, 2022, 10:00 a.m. Virtual Public Meeting—June 27, 2022, 6:00 p.m.
LPA-17-22-00012-P	COVID-19 arrears forgiveness and low-	

	income customer discount eligibility	Virtual Public Meeting—June 27, 2022, 10:00 a.m.
		Virtual Public Meeting—June 27, 2022, 6:00 p.m.
LPA-17-22-00013-P	Time-of-use rate options for commercial customers	Virtual Public Meeting—June 27, 2022, 10:00 a.m.
		Virtual Public Meeting—June 27, 2022, 6:00 p.m.
LPA-17-22-00014-P	LIPA's delivery service adjustment cost recovery rider	Virtual Public Meeting—June 27, 2022, 10:00 a.m.
		Virtual Public Meeting—June 27, 2022, 6:00 p.m.
LPA-17-22-00015-P	The start date of LIPA's smart meter opt-out fee	Virtual Public Meeting—June 27, 2022, 10:00 a.m.
		Virtual Public Meeting—June 27, 2022, 6:00 p.m.
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
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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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF			
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
CANNABIS MANAGEMENT, OFFICE OF			
OCM-46-21-00010-RP	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.
CFS-18-22-00008-P	05/04/23	Expanded eligibility for child care assistance	To expand eligibility for child care assistance in accordance with Social Services Law 410-w
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
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.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
CVS-19-22-00001-P	05/11/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-22-00002-P	05/11/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-19-22-00003-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-22-00004-P	05/11/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-22-00005-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-22-00006-P	05/11/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-19-22-00007-P	05/11/23	Jurisdictional Classification	To delete a position from the exempt class and to delete positions from and classify positions in the non-competitive class
CVS-19-22-00008-P	05/11/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-19-22-00009-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-22-00010-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-22-00011-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-22-00012-P	05/11/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-22-00013-P	05/11/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-22-00014-P	05/11/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-19-22-00015-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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-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.
CCS-16-22-00002-P	04/20/23	Limits On Administrative Expenses And Executive Compensation	To remove outdated references in the Department's regulations
CCS-16-22-00003-EP	04/20/23	Definitions, Standards of Incarcerated Individual Behavior, Special Housing Units, and Institutional Programs	To revise regulations to be in compliance with the new HALT legislation and applicable laws
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-22-22-00003-P	06/01/23	Restaurant Return-to-Work Tax Credit Program	To add the additional administrative process for the additional restaurant return-to-work tax credit
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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
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
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	To address the rotational selection process for assignment of IHOs to due process complaints; clarify language regarding IHO findings of fact and decisions; and address how IHOs must handle conflicts of interest
EDU-17-22-00005-P	04/27/23	Continuing education (CE) requirements for psychologists, social workers and mental health practitioners.	To require such professionals to complete three CE credits on issues related to maintaining appropriate professional boundaries.
EDU-17-22-00006-P	04/27/23	Registration requirements for residency programs and residency certificate requirements	To establish registration requirements for residency programs and to revise residency certificate requirements.
EDU-17-22-00007-P	04/27/23	Remote instruction and its delivery under emergency conditions	Permits districts to provide remote instruction if they would otherwise close due to an emergency and count such instructional days towards minimum requirements, define remote instruction and require public schools to plan for providing remote instruction
EDU-17-22-00008-EP	04/27/23	General Comprehensive Examination Subtests and Grandfathering of Prior Passing Scores	To permit candidates for the high school equivalence (HSE) diploma to apply passing sub-test(s) scores from the TASC as passing score(s) for up to three corresponding sub-test(s) of the approved HSE examination.
EDU-17-22-00009-EP	04/27/23	Licensure requirements for professional engineers.	To implement Chapter 465 of the Laws of 2021 relating to licensure requirements for professional engineers.
EDU-17-22-00010-P	04/27/23	State Aid for Public Library Systems, School Library Systems and Reference and Research Library Resource Councils	To align the Commissioner’s regulations with Chapters 563 and 322 of the Laws of 2021.
EDU-22-22-00004-EP	06/01/23	Incidental teaching and substitute teaching flexibilities.	To extend flexibilities for incidental teaching and substitute teaching.
EDU-22-22-00005-P	06/01/23	Business and Marketing Content Specialty Test Safety Net.	To create a safety net for the business and marketing content specialty test.
EDU-22-22-00006-P	06/01/23	Education, examination, and experience requirements for licensure in the profession of public accountancy.	To modernize the education, experience and examination standards for CPAs.
EDU-22-22-00007-P	06/01/23	Unprofessional Conduct in the practice of veterinary medicine.	To establish unprofessional conduct for multi veterinarian and solo veterinarian practices.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-22-22-00008-P	06/01/23	Instruction provided to students in a home, hospital, or institutional setting other than a school (homebound instruction).	To provide clarity as to the circumstances under which homebound instruction may be requested and delivered.
EDU-22-22-00009-P	06/01/23	Implementing the Dominic Murray Sudden Cardiac Arrest Prevention Act	To implement the Dominic Murray Sudden Cardiac Arrest Prevention Act.
EDU-22-22-00010-EP	06/01/23	Special appeal to earn diplomas with a lower score on a Regents examination in the 2021-22 or 2022-23 school years.	To permit students to appeal a lower score on a Regents examination in the 2021-22 or 2022-23 school years to earn diplomas.
EDU-22-22-00011-P	06/01/23	Session days and time spent in assessments	To define session days and to count time spent in assessments toward the minimum instructional hour requirement.
EDU-22-22-00012-P	06/01/23	Students with Disabilities Certificate	See attached.
ELECTIONS, STATE BOARD OF			
SBE-33-21-00010-RP	08/18/22	Public Campaign Finance Program	Implementation of the Public Campaign Finance Program
SBE-39-21-00003-RP	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-RP	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
SBE-16-22-00004-EP	04/20/23	Providing deadlines for entering voter history and providing list of affidavit voters.	To conform regulatory provisions to canvassing provisions provided for by amendments to Election Law Section 9-209.
SBE-16-22-00005-EP	04/20/23	Removing gender matching from the comparison of voter registration records against the records of the Dept of Motor Vehicles.	To ensure that voter matches can occur as provided for by law as a result of Chapter 158 of Laws of 2021.
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-20-22-00001-EP	05/18/23	Regulations governing recreational fishing of summer flounder.	To revise regulations concerning the recreational harvest of summer flounder in New York State.
ENV-20-22-00003-P	07/19/23	Solid Waste Management Regulations	Amend the rules that implement the solid waste program in New York State to incorporate changes in law and implementation
ENV-22-22-00016-P	06/01/23	SPDES Incorporation by Reference	Update SPDES Incorporation by Reference
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
*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
DFS-21-22-00002-P	05/25/23	Agent Training Allowance Subsidies for Certain Life Insurance and Annuity Business	To increase the maximum training allowance to reflect inflation.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
GAMING COMMISSION, NEW YORK STATE			
SGC-13-22-00005-P	03/30/23	Racing license hearing requests and service methods.	To enhance the fairness and efficiency of adjudicatory proceedings.
GENERAL SERVICES, OFFICE OF			
GNS-19-22-00026-P	05/11/23	Charitable Contributions Thru State Employees Federated Appeals	To reflect efficiencies offered by modern business processes.
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-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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HUMAN RIGHTS, DIVISION OF			
HRT-21-22-00001-P	05/25/23	Required notice to Public housing program or assistance recipients regarding housing discrimination based on source of income	To comply with the requirements of Executive Law section 170-e
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.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*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
LPA-17-22-00011-P	 06/27/23	Access to records and fees collected under the Freedom of Information Law.	To make necessary technical updates and to conform with FOIL regarding collection of fees.
LPA-17-22-00012-P	 exempt	COVID-19 arrears forgiveness and low-income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility.
LPA-17-22-00013-P	 exempt	Time-of-use rate options for commercial customers	To offer a new TOU rate option for commercial customers that is aligned with industry best practices.
LPA-17-22-00014-P	 exempt	LIPA's delivery service adjustment cost recovery rider	To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers.
LPA-17-22-00015-P	 exempt	The start date of LIPA's smart meter opt-out fee	To update the start date of the smart meter opt-out fee due to early completion of the smart meter rollout.
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-ERP	 12/01/22	Telehealth Expansion	To establish regulations regarding the expansion of telehealth
METROPOLITAN TRANSPORTATION AGENCY			
MTA-16-22-00008-EP	 04/20/23	Requiring mask wearing when mandated for indoor facilities and conveyances of the MTA & its affiliates and subsidiaries.	To safeguard the public health and safety by adding a rule requiring the use of masks in facilities & conveyances when mandated
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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-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-10-22-00010-EP	 03/09/23	Training Flexibilities	To provide flexibility in training requirements
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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 recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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 Conring 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.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

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PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

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PUBLIC SERVICE COMMISSION			
*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
*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

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PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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 Aspiro 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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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 Conning 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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
*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-09-21-00005-P	 exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-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-16-21-00007-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
*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-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-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-39-21-00007-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-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-46-21-00014-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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-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-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-01-22-00015-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-02-22-00006-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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-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-05-22-00003-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-06-22-00011-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-06-22-00014-P	 exempt	The regulatory regime applicable to a solar electric generating facility.	To ensure appropriate regulation of a new electric corporation.
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-07-22-00009-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-08-22-00004-P	 exempt	Debt financing arrangement.	To review the proposed financing and consider whether it is within the public interest.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-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.
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-10-22-00014-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-16-22-00007-P	 exempt	Transfer of street lighting facilities.	To consider the transfer of street lighting facilities to the Town of Sand Lake.
PSC-17-22-00001-P	 exempt	Review of proposed modifications/ adjustments to RDMs.	To clarify and correct Central Hudson's RDM for certain service classifications.
PSC-17-22-00002-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-17-22-00003-P	 exempt	A debt financing arrangement with respect to a proposed solar generating facility.	To consider the requested financing arrangement and what regulatory conditions should apply.
PSC-18-22-00002-P	 exempt	NYSEG and RG&E's petition for a waiver of its 2021 customer service quality performance.	To determine if NYSEG and RG&E's petition for waiver is in the public interest.
PSC-18-22-00003-P	 exempt	Adjustments to the the Revenue Decoupling Mechanisms.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-18-22-00004-P	 exempt	Utility-owned ESR participation in the New York Independent System Operator, Inc. (NYISO) administered wholesale markets.	To consider if Con Edison should use an ESR in NYISO markets, and whether any conditions are appropriate for such use.
PSC-18-22-00005-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-18-22-00006-P	 exempt	Adjustments to the Revenue Decoupling Mechanisms.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-18-22-00007-P	 exempt	Extension of deadline.	Whether it is in the public interest to extend the deadline to allow the developer more time to energize residential units.
PSC-19-22-00021-P	 exempt	Brooklyn Clean Energy Hub and cost recovery.	To meet the Climate Leadership and Community Protection Act's goal of 9,000 megawatts of offshore wind generation.
PSC-19-22-00022-P	 exempt	Modification of Con Edison's electric tariff.	To either eliminate or waive a provision of the Standby Service Offset Tariff.
PSC-19-22-00023-P	 exempt	Utility-owned ESR participation in the New York Independent System Operator, Inc. (NYISO) administered wholesale markets.	To consider if O&R should use an ESR in NYISO markets, and whether any conditions are appropriate for such use.
PSC-19-22-00024-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-19-22-00025-P	 exempt	Application of PSL provisions to Xerox as an electric corporation and water-works corporation.	To consider whether Xerox should be exempt from PSL provisions, including requirements for full reports and keeping accounts.
PSC-20-22-00004-P	 exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-20-22-00005-P	 exempt	Proposed tariff amendment to eliminate references to mercury vapor lamps and to add LED lamps.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-20-22-00006-P	 exempt	Electric metering equipment.	To consider use of electric meter and ensure that consumer bills will be based on accurate measurements of electric usage.
PSC-20-22-00007-P	 exempt	A debt financing arrangement with respect to a proposed electric transmission project.	To consider the requested financing arrangement, and if approved, what regulatory conditions should apply.
PSC-20-22-00008-P	 exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-20-22-00009-P	 exempt	Modify lease of utility property.	To determine whether to authorize the extension and amendment of the lease of the Volney-Marcy transmission line.
PSC-20-22-00010-P	 exempt	Waiver of 16 NYCRR Sections 86.3(a)(1), 86.3(a)(2), 86.3(b)(2), 86.4(b).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-20-22-00011-P	 exempt	Establishment of the regulatory regime applicable to a wind electric generating facility.	To ensure appropriate regulation of a new electric corporation.
PSC-20-22-00012-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-21-22-00005-P	 exempt	To implement the non-pipe alternative factor to recover the costs of approved alternative infrastructure projects.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-21-22-00006-P	 exempt	Joint petition for a transfer of certain real and personal property.	To consider the transfer of certain real and personal property from O&R to Transco.
PSC-21-22-00007-P	 exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Atlantic Energy, LLC should be permitted to offer its LED Lighting product to mass market customers.
PSC-21-22-00008-P	 exempt	Cybersecurity requirements.	Modify the framework to ensure the protection of utility systems and customer data from cyber events.
PSC-21-22-00009-P	 exempt	Initial Tariff Schedule, P.S.C. No. 1 - Water and waiver of rate setting authority.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-21-22-00010-P	 exempt	Transfer of control of cable television franchises and systems.	To consider whether the transfer of control of cable franchises is in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-21-22-00011-P	 exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Atlantic Energy, LLC should be permitted to offer its Smart Home Program product to mass market customers.
PSC-22-22-00001-EP	 exempt	Amendment of Con Edison's electric tariff to reduce the likelihood of extreme and sudden price volatility.	To protect electric customers from extreme and sudden commodity price volatility.
PSC-22-22-00013-P	 exempt	National Grid's proposed gas demand response program.	To determine if National Grid's proposed gas demand response program is in the public interest.
PSC-22-22-00014-P	 exempt	Amendments to the Standardized Interconnection Requirements.	To consider changes to accommodate the interconnection of distributed energy resources by governmental entities.
PSC-22-22-00015-P	 exempt	Proposal to make an adjustment to its URD surcharge.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-22-22-00017-P	 06/01/23	Transfer of street lighting facilities	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction
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
DOS-16-22-00001-EP	 04/20/23	Ventilation Requirements	To provide an additional 6 months for appearance enhancement businesses to comply with existing ventilation standards
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
SUN-21-22-00003-EP	 05/25/23	State basic financial assistance for the operating expenses of community colleges under the programs of SUNY and CUNY.	To modify limitations formula for basic State financial assistance and modify the funding floor.
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-20-22-00013-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 July 1, 2022 through September 30, 2022.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-13-22-00023-P	03/30/23	Repeal of state regulations implementing the limits on the use of state funds or state-authorized payments for administrative expenses and executive compensation set forth in Executive Order No. 38, signed by Governor Andrew M. Cuomo on January 18, 2012	To update state regulations consistent with the repeal, cancellation and revocation of EO No. 38 in its entirety pursuant to EO No. 6, signed by Governor Kathy Hochul on October 8, 2021.
TDA-21-22-00004-P	05/25/23	Unclaimed support funds	See attached Addendum No. 1
TRANSPORTATION, DEPARTMENT OF			
TRN-18-22-00001-P	05/04/23	Regulation of commercial motor carriers in New York State.	To repeal or modify obsolete provisions, make technical changes, and implement non-discretionary statutory provisions.
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
WCB-20-22-00002-EP	05/18/23	Sacroiliac joint (SIJ) fusion and peripheral nerve stimulation	To add SIJ fusion and peripheral nerve stim to the list of Special Services requiring prior authorization to conform to the MTGs

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STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

Abacus Multi-Family Partners VI LP
c/o Abacus Capital Group LLC, 100 Park Ave., Suite 3500, New York,
NY 10017

State or country in which incorporated — AMFP VI GP LLC

AG Direct Lending Fund V, L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Direct Lending Fund V GP, LLC

AG Direct Lending Fund V Structured Note, L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Direct Lending Fund V GP, LLC

AG Direct Lending Fund V (Unlevered), L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Direct Lending Fund V GP, LLC

AG DLI V, L.P.
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Partnership — AG Direct Lending Fund V GP, LLC

AG DLI V (Unlevered), L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Direct Lending Fund V GP, LLC

AG DLI V (Unlevered) Structured Note, L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Direct Lending Fund V GP, LLC

AG Japan Overflow Fund, L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
State or country in which incorporated — Cayman Islands

Breckenridge Multifamily RR620 ATX JV, LP
751 Arbor Way, Suite 210, Blue Bell, PA 19422
Partnership — Aspen RR620 GP, LLC

Broad Sky Partners GP LLC
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State or country in which incorporated — Delaware

CX Cypress McKinney Falls, DST
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State or country in which incorporated — Delaware

Eagle Point Institutional Income Fund
600 Steamboat Rd., Suite 202, Greenwich, CT 06830
State or country in which incorporated — Delaware

Investment Managers Series Trust II
235 W. Galena St., Milwaukee, WI 53212
State or country in which incorporated — Delaware

Lilac Investments LLC
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
State or country in which incorporated — Cayman Islands

Pacific Century Securities, LLC
60-20 Woodside Ave., Suite 211, Queens NY 11367
Partnership — Florida limited liability company

Strategic Wireless Infrastructure Fund II, Inc.
260 Mason St., Greenwich, CT 06830
State or country in which incorporated — Maryland

Supernow, Inc.
82 Nassau St., #60755, New York, NY 10038
State or country in which incorporated — Delaware

TropheCase Inc.
PO Box 3431, Schenectady, NY 12303
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SEALED BIDS

PROVIDE STANDBY GENERATOR BUILDING Shawangunk Correctional Facility Wallkill, Ulster County

Sealed bids for Project Nos. 44991-C, comprising a contract for Construction Work, Provide Standby Generator Building, Shawangunk Correctional Facility, 200 Quick Road, Wallkill (Ulster 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 Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, June 8, 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 \$52,200 for C.

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 to 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.

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

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

The substantial completion date for this project is 539 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 10:00 a.m. on May 26, 2022, at the Wallkill Field Office, 55 McKendrick Road, Wallkill, NY. 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 Theresa Swehla (845-691-8968) a minimum of 72 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 72 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 docu-

ments 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

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.

NOTICE OF PUBLIC HEARING

Department of State

Pursuant to chapter 581 of the Laws of 2021, the New York Department of State hereby provides notice of a public hearing.

Time and Date: 6:00 p.m. – 8:00 p.m., June 9, 2022

Place: Brooklyn Borough Hall, 209 Joralemon St., Brooklyn, NY 11201

Purpose: To examine if owners of real property in Kings County are subject to intense and repeated solicitations.

For further information, contact: Department of State, David Mossberg, 123 William St., 20th Fl., New York, NY 10038, (518) 473-2728, David.Mossberg@dos.ny.gov

PUBLIC NOTICE

Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for June 2022 will be conducted on June 15 and June 16 commencing at 10:00 a.m. This meeting will be conducted at NYS Media Services Center, Suite 146, South Concourse, Empire State Plaza, Albany, NY with live coverage available at <https://www.cs.ny.gov/commission/>

For further information, contact: Office of Commission Operations, Department of Civil Service, Empire State Plaza, Agency Bldg. One, Albany, NY 12239, (518) 473-6598

PUBLIC NOTICE

Office of General Services

Pursuant to Section 33 of the Public Lands Law, the Office of General Services hereby gives notice to the following:

Notice is hereby given that the State University of New York has determined that 1018-1104 Arbor Hill Road, Town of Delhi, Delaware County, New York State, a 1.081-acre parcel of unimproved land, is surplus and no longer useful or necessary for state program purposes and is hereby abandoned for sale or disposition as Unappropriated State Land.

For further information, please contact: Karen Ansong, Esq., Office of General Services, Legal Services, 36th Fl., Coming Tower, Empire State Plaza, Albany, NY 12242, (518) 474-8831, (518) 473-4973 fax

PUBLIC NOTICE

Department of Health

The Department of Health has prepared an application for the renewal of the Traumatic Brain Injury (TBI) 1915(c) Waiver Program (waiver number NY.0269.04). Applications for 1915(c) waivers are approved for five (5) year periods, and the current TBI application expires on August 31, 2022.

This application allows for flexibility in the intake process by including telephonic and virtual methods for the collection of applicant information. Changes in this application also include guidance surrounding Service Coordination visits and flexibilities related to Level of Care assessments.

Further, State minimum wage language and cost reporting language have been updated to reflect the enacted state budget and current practice, respectively.

Language has also been added to provide consistency between Licensed Home Care Services Agency (LHCSA) regulations and waiver service definitions.

Pursuant to guidance from the Centers for Medicare and Medicaid Services, language has also been included clarifying the state's timeline for federally mandated 372 reporting.

A draft of the proposed waiver amendment is available for review at: https://www.health.ny.gov/health_care/medicaid/redesign/mrt90/2022/docs/draft_tbi_renewal_app.pdf

There is no anticipated change to projected per-participant Medicaid expenditures as a result of this proposed application. The public is invited to review and comment on this initiative. *Comments may be filed electronically at:* waivertransition@health.ny.gov *or mailed to:* Department of Health, Office of Health Insurance Programs, Division of Long Term Care, Bureau of Community Integration and Alzheimer's Disease, One Commerce Plaza, Suite 1605, Albany, NY 12210. All comments must be postmarked or emailed by 30 days of the date of this notice. Include "TBI Waiver Renewal" in the subject line and indicate your name and affiliation.

For individuals with limited online access and/or who require special accommodation, please call (518) 474-5271 to access paper copies.

PUBLIC NOTICE

Department of State
Program Change

STATEWIDE — Pursuant to 15 CFR 923, the New York State Department of State (DOS) hereby gives notice that the National

Oceanic and Atmospheric Administration's Office for Coastal Management (OCM) concurred on April 29, 2022, on the incorporation of the amendment to the Village of Lewiston Local Waterfront Revitalization Program (LWRP) into New York State's Coastal Management Program as a Program Change. As of April 29, 2022, the enforceable policies identified in the Table of Approved Changes below shall be applicable in reviewing federal actions pursuant to the federal consistency requirements of the Coastal Zone Management Act (CZMA) and its implementing regulations found at 15 CFR part 930. DOS requested OCM's concurrence on this action on February 9, 2022, in a previous notice in the New York State Register, which further described the content of the action.

The Village of Lewiston LWRP was prepared in partnership with DOS and in accordance with the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the New York State Coastal Management Program. The LWRP is a long-term management program for the waterfront resources of the Village along the Niagara River and is based on the policies of the New York State Coastal Management Program. The Village of Lewiston LWRP provides a detailed inventory and analysis of natural, historic, and cultural resources in the Waterfront Revitalization Area in the Village; describes existing land and water uses, harbor management, and important economic activities; presents issues and opportunities for future development; proposes projects that will implement the goals of the LWRP; and contains enforceable policies to be used for CZMA consistency review purposes.

Pursuant to the New York State Coastal Management Program and Article 42 of the New York State Executive Law, the Village of Lewiston LWRP was adopted by resolution by the Village of Lewiston Board of Trustees on August 16, 2021 and approved by the New York State Secretary of State on December 3, 2021.

OCM's concurrence includes the following list of changes and qualifications:

Table of Approved Changes to the New York Coastal Management Program (NY-2022-2)

Legal citation	Title of policy, section, or other descriptor	Is the change new, revised, or deleted	Date effective in State	Enforceable policy	Enforceable mechanism citation
Not applicable	Village of Lewiston, New York Local Waterfront Revitalization Program (LWRP) Amendment	Revised	December 3, 2021	Yes (Section III only)	Executive Law, Article 42

Qualifications

As with previous approval of NY CMP LWRPs, the enforceable provisions of Section III are only the stated policies and sub-policies. The enforceable policies do not include the explanatory text that accompanies each policy. While the explanatory text may be advisory as to how activities can show consistency with the LWRP policies, the State may not use the explanatory text as a basis for issuing an objection under its CZMA authority. Please also note that for the review of federal actions pursuant to the CZMA, the requirements of the statute and implementing regulations at 15 CFR part 930 are controlling over any conflicting interpretation of the discussion of the CZMA federal consistency requirements within the Village of Lewiston LWRP.

As a standard qualification applying to all program changes, states may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document, the referenced policy must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. No referenced policy may be applied for CZMA federal consistency review purposes

unless that policy has been separately reviewed and approved as an enforceable policy by the Office for Coastal Management.

The Village of Lewiston Local Waterfront Revitalization Program is available at: <https://dos.ny.gov/location/village-lewiston-local-waterfront-revitalization-program>, the website of the Department of State. *If you have any questions, please contact:* Barbara Kendall, DOS Office of Planning, Development and Community Infrastructure, at Barbara.Kendall@dos.ny.gov

PUBLIC NOTICE

Department of State Program Change

STATEWIDE — Pursuant to 15 CFR 923, the New York State Department of State (DOS) hereby gives notice that the National Oceanic and Atmospheric Administration's Office for Coastal Management (OCM) concurred on April 29, 2022, on the incorporation of the Town of Porter Local Waterfront Revitalization Program (LWRP) into New York State's Coastal Management Program as a Program Change. As of April 29, 2022, the enforceable policies identified in the Table of Approved Changes below shall be applicable in reviewing federal actions pursuant to the federal consistency requirements of the Coastal Zone Management Act (CZMA) and its implementing regulations found at 15 CFR part 930. DOS requested OCM's concurrence on this action on February 9, 2022, in a previous notice in the New York State Register, which further described the content of the action.

The Town of Porter LWRP was prepared in partnership with DOS and in accordance with the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the New York State Coastal Management Program. The LWRP is a long-term management program for the waterfront resources of the Town along the Niagara River and Lake Ontario and is based on the policies of the New York State Coastal Management Program. The Town of Porter LWRP provides a detailed inventory and analysis of natural, historic, and cultural resources in the Waterfront Revitalization Area in the Town; describes existing land and water uses, harbor management, and important economic activities; presents issues and opportunities for future development; proposes projects that will implement the goals of the LWRP; and contains enforceable policies to be used for CZMA consistency review purposes.

Pursuant to the New York State Coastal Management Program and Article 42 of the New York State Executive Law, the Town of Porter LWRP was adopted by resolution by the Town of Porter Town Board on December 14, 2020 and approved by the New York State Secretary of State on October 28, 2021.

OCM's concurrence includes the following list of changes and qualifications:

Table of Approved Changes to the New York Coastal Management Program (NY-2022-1)

Legal citation	Title of policy, section, or other descriptor	Is the change new, revised, or deleted	Date effective in State	Enforceable policy	Enforceable mechanism citation
Not applicable	Town of Porter, New York Local Waterfront Revitalization Program (LWRP)	New	October 28, 2021	Yes (Section III only)	Executive Law, Article 42

Qualifications

As with previous approval of NY CMP LWRPs, the enforceable provisions of Section III are only the stated policies and sub-policies. The enforceable policies do not include the explanatory text that accompanies each policy. While the explanatory text may be advisory as to how activities can show consistency with the LWRP policies, the State may not use the explanatory text as a basis for issuing an objection under its CZMA authority. Please also note that for the review of

federal actions pursuant to the CZMA, the requirements of the statute and implementing regulations at 15 CFR part 930 are controlling over any conflicting interpretation of the discussion of the CZMA federal consistency requirements within the Town of Porter LWRP.

As a standard qualification applying to all program changes, states may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document, the referenced policy must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. No referenced policy may be applied for CZMA federal consistency review purposes unless that policy has been separately reviewed and approved as an enforceable policy by the Office for Coastal Management.

The Town of Porter Local Waterfront Revitalization Program is available at: <https://dos.ny.gov/location/town-porter-local-waterfront-revitalization-program>, the website of the Department of State. *If you have any questions, please contact:* Barbara Kendall, DOS Office of Planning, Development and Community Infrastructure, at Barbara.Kendall@dos.ny.gov

PUBLIC NOTICE

Department of State
F-2022-0256

Date of Issuance – June 1, 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-2022-0256, George and Ellen Smith propose to install a new 8' wide x 60' long pipe pile supported dock in front of the Smith's personal residence. The dock will begin approximately 3' seaward of the Ordinary High-Water line (thus the effective length will be approx. 63'). Stairs will then be reinstalled bridging the gap.

Sacketts Harbor, Jefferson County, Black River Bay

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/6/f-2022-0256consistcert.pdf> or at <https://dos.ny.gov/public-notices>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s): None.

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 July 1, 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
F-2022-0272

Date of Issuance – June 1, 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-2022-0272, Palmer and Nan Schade propose to remove and replace existing dock (including 2' - 3' x 70' catwalk and 6' x 36' and 4' x 24' floats) with a new, consisting of a 4' x 93' fixed timber catwalk (constructed with open-grate decking), with two (2) 4' x 6' steps; the existing, relocated 2.5' x 16' aluminum ramp; and a 6' x 20' float secured by (2) 8"-diameter pilings, adjusting existing 3' x 10' stair to dock if needed to align with new catwalk at 1385 Calves Neck Road.

Town of Southold, Suffolk County, Town Creek

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/6/f-2022-0272consistcert.pdf> or at <https://dos.ny.gov/public-notices>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s): None.

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 July 1, 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
F-2022-0327 (DA)

Date of Issuance – June 1, 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.

Amtrak has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The agency's consistency determination 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-2022-0327, The National Railroad Passenger Corporation (Amtrak) proposes to undertake fender rehabilitation construction activities to maintain movable bridge operation and waterway channel navigation at Pelham Bay Bridge in Bronx, Hutchinson River.

The stated purpose of the project is to make emergency repairs to the fender system that was damaged from an errant vessel.

The agency's consistency determination and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/6/f-2022-0327pelhambaybridgeamtrak.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, July 1, 2022.

Comments should be addressed to: 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 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.

2022-0242 Matter of Nicholas Williamson, Architect, Nicholas Williamson, 3343 Austin Avenue, Wantagh, NY 11793, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing dwelling located at Seven Chestnut Street, Village of Malverne, 11565, County of Nassau, State of New York.

2022-0243 Matter of Islandwide Permit Services, Len Crick, 86 Center Street, Ronkonkoma, NY 11779, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing dwelling located at 10 Claremont Drive, Mastic Beach, Town of Brookhaven, 11951, County of Suffolk, State of New York.

2022-0244 Matter of Nassau Expeditors Inc., Scott Tirone, 75 Albertson Avenue, Albertson, NY 11507, for a variance concerning safety requirements, including ceiling height and the height under a girder/soffit. Involved is an existing dwelling located at 61 Highland Avenue, Port Washington, Town of North Hempstead, 11050, County of Nassau, State of New York.

2022-0245 Matter of Tim Jordan, Nine Flamingo Drive, Smithtown, NY 11787, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing dwelling located at 33 Duncan Road, Village of Hempstead, 11550, County of Nassau, State of New York.

2022-0247 Matter of Nesfield Architect, PC, Peter Nesfield, 1527 Franklin Ave., Suite LL1, Mineola, NY 11501, for a variance concerning safety requirements, including the ceiling height. Involved is an existing dwelling located at 77 Beverly Road, Village of Kensington, 11021, 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.

2022-0250 Matter of Brookhaven Expeditors, Andrew Malguarnera, 713 Main Street, Port Jefferson, NY 11777, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing dwelling located at 143 Middle Island Blvd.,

Middle Island, Town of Brookhaven, 11953, County of Suffolk, State of New York.

2022-0251 Matter of Brookhaven Expeditors, Andrew Malguarnera, 713 Main Street, Port Jefferson, NY 11777, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing dwelling located at Eight Roman Court, Village of Lake Grove, 11755, County of Suffolk, State of New York.

2022-0255 Matter of Nassau Expeditors Inc., Scott Tirone, 75 Albertson Avenue, Albertson, NY 11507, for a variance concerning safety requirements, including ceiling height and the height under a girder/soffit. Involved is an existing dwelling located at 33 Crescent Road, Port Washington, Town of North Hempstead, 11050, County of Nassau, State of New York.

2022-0256 Matter of Nassau Expeditors Inc., Scott Tirone, 75 Albertson Avenue, Albertson, NY 11507, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing dwelling located at 20 Locust Place, Manhasset, Town of North Hempstead, 11030, 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.

2022-0252 in the Matter of Ari Waldman, Four Jeffrey Place, Monsey, NY 10952, for a variance concerning safety requirements, including fire apparatus access. Involved is a three-story educational building located at One Gigi Court, 261, 263-267, 269 and 271, Route 306, Town of Ramapo, NY 10952, County of Rockland, State of New York.

2022-0253 in the Matter of Joanna and Jesse Carney, 29 Hemlock Lane, Newburgh, NY 12550, for a variance concerning safety requirements, including headroom in basement stairway. Involved is a one-family dwelling located at 29 Hemlock Lane, Town of Newburgh, NY 12550, County of Orange, State of New York.

2022-0254 in the Matter of George Ryan, 32 Old Oregon Road, Cortlandt, NY 10567, for a variance concerning safety requirements, including ceiling height. Involved is a single-family dwelling located at 32 Old Oregon Road, Town of Cortlandt, NY 10567, County of Westchester, State of New York.

PUBLIC NOTICE

Department of Taxation and Finance Interest Rates

The Commissioner of Taxation and Finance hereby sets the interest rates for the months of July, August, and September 2022 pursuant to Tax Law sections 697(j) and 1096(e), as follows:

For purposes of section 697(j) the overpayment rate of interest is set at 4 percent per annum, and the underpayment rate of interest is set at 7.5 percent per annum. For purposes of section 1096(e), the overpayment rate of interest is set at 4 percent per annum, and the underpayment rate of interest is set at 9 percent per annum. (The underpayment rates set pursuant to sections 697(j) and 1096(e) may not be less than 7.5 percent per annum.) Pursuant to Tax Law section 1145(a)(1), the underpayment rate for State and local sales and use taxes administered by the Commissioner of Taxation and Finance is 14.5 percent per annum. The underpayment rate for the special assessments on hazardous waste imposed by section 27-0923 of the Environmental Conservation Law is 15 percent.

For the interest rates applicable to overpayments (refunds) and

underpayments (late payments and assessments) of the following taxes administered by the Commissioner of Taxation and Finance for the period July 1, 2022 through September 30, 2022, see the table below:

7/1/22 - 9/30/22
Interest Rate Per Annum
Compounded Daily

Commonly viewed tax types	Refunds	Late Payments & Assessments
Income **	4%	7.5%
Sales and use	4%	14.5%
Withholding	4%	9%
Corporation **	4%	9%
All other tax types	Refunds	Late Payments & Assessments
Adult-Use Cannabis Products	4%	9%
Alcoholic Beverage	4%	9%
Authorized Combative Sports	4%	9%
Beverage Container Deposits	4%	9%
Cigarette	NA	9%
Congestion Surcharge	4%	9%
Diesel Motor Fuel	4%	9%
Estate	4%	7.5%
Fuel Use Tax	***	***
Generation-Skipping Transfer	4%	7.5%
Hazardous Waste	4%	15%
Highway Use	4%	9%
Medical Cannabis	4%	9%
Metropolitan Commuter Transportation Mobility Tax	4%	7.5%
Mortgage Recording	4%	9%
Motor Fuel	4%	9%
New York City Taxicab and Hail Vehicle Trip Tax	4%	9%
Opioid Excise Tax	4%	9%
Paper Carryout Bag Reduction Fee	4%	14.5%
Petroleum Business	4%	9%
Real Estate Transfer	4%	9%
Tobacco Products	NA	9%
Transportation Network Company Assessment	4%	9%
Waste Tire Fee	4%	9%
Wireless Communications Surcharge	4%	14.5%

* The Tax Law requires the interest rate on sales tax assessments or late payments to be set at 14.5% for this quarter. However, if the Commissioner determines that the failure to pay or the delay in payment is due to reasonable cause and not willful neglect, the Commissioner may impose interest at the corporation tax late payment and assessment rate. That rate is 9% for this quarter.

** There are a number of state and local governmental bodies that have interest rates tied to the overpayment and underpayment rates contained in either section 697(j) (Income Tax) or section 1096(e) (Corporation Tax) of the Tax Law. For purposes of section 697(j) and section 1096(e) of the Tax Law, the overpayment rate for this period is 4%. For purposes of section 697(j) of the Tax Law, the underpayment rate for this period is 7.5%. For purposes of section 1096(e) of the Tax Law, the underpayment rate for this period is 9%.

*** Under section 527(f) of the Tax Law, the interest rates relating to the Fuel Use tax are set pursuant to the International Fuel Tax Agreement (IFTA). For more information regarding IFTA interest rates, see www.iftach.org

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For rates for previous periods, visit the Department of Taxation and Finance website: <https://www.tax.ny.gov/pay/interest/>

