
NEW YORK STATE
REGISTER

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

For notices published in this issue:

- the 60-day period expires on May 17, 2020
- the 45-day period expires on May 2, 2020
- the 30-day period expires on April 17, 2020

**ANDREW M. CUOMO
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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The *New York State Register* (ISSN 0197 2472) is published weekly. Subscriptions are \$80 per year for first class mailing and \$40 per year for periodical mailing. The *New York State Register* is published by the New York State Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001. Periodical postage is paid at Albany, New York and at additional mailing offices.

POSTMASTER: Send address changes to NY STATE REGISTER, the Department of State, Division of Administrative Rules, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001

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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 <i>State Register</i> 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.

Division of Criminal Justice Services

EMERGENCY RULE MAKING

Use of Force

I.D. No. CJS-30-19-00010-E

Filing No. 152

Filing Date: 2020-02-28

Effective Date: 2020-02-28

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

Action taken: Addition of Part 6058 to Title 9 NYCRR.

Statutory authority: Executive Law, sections 837-t and 837(13)

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

Specific reasons underlying the finding of necessity: At the forefront of the national discussion involving policing in America is law enforcement's use of force, and the lack of statistical data to analyze use of force incidents.

The proposed rule sets forth reporting and recordkeeping procedures, regarding use of force pursuant to section 837-t of the Executive Law, to be followed by the chief of every police department, each county sheriff, and the Superintendent of State Police which employs police officers or peace officers, and by the Division of Criminal Justice Services (Division). The proposed regulations require such employers of police and peace officers to report, to the Division, any instance or occurrence where a police or peace officer employs use of force. In addition, on an annual basis, the

Commissioner of the Division is required to conspicuously publish on the Division's website a comprehensive report including the use of force information received.

Repeated and highly publicized incidents of police use of force, and lack of data about these incidents, leaves an impression that there is a lack of accountability by police officers in these cases. The proposed rule provides a mechanism to produce a comprehensive view of use of force incidents reported, including the circumstances, subjects, and officers involved in such incidents. This data can subsequently assist with improving policies and procedures regarding use of force, providing better analyses of reported incidents, and increasing public awareness. This is necessary for the preservation of public safety and the general welfare of people of the State of New York, as it will foster better relations between police and the communities they serve.

On the other hand, the failure to promulgate this rule on an emergency basis will undermine public safety, as the use of force by police, especially if excessive and unchecked, is unsafe for the community, and detrimental to its general welfare. For that reason, it would, in this case, be contrary to public interest to adhere to the normal requirements of the regulation and rule proposal process.

Subject: Use of Force.

Purpose: Set forth use of force reporting and recordkeeping procedures.

Text of emergency rule: *New Part 6058 - USE OF FORCE DATA COLLECTION, ANALYSIS AND REPORTING*

Section 6058.1. Purpose.

At the forefront of the national discussion involving policing in America is law enforcement use of force, and the lack of statistical data to analyze use of force incidents.

The purpose of this Part is to set forth reporting and recordkeeping procedures, regarding use of force pursuant to section 837-t of the Executive Law, to be followed by the chief of every police department, each county sheriff, and the superintendent of state police which employs police officers or peace officers, and by the Division of Criminal Justice Services.

Section 6058.2. Definitions.

As used in this Part, the following terms shall have the following meanings:

(a) Division means the Division of Criminal Justice Services.

(b) Commissioner means the Commissioner of the Division of Criminal Justice Services, or his or her designee.

(c) FBI means the Federal Bureau of Investigation.

(d) Employer means the chief of every police department, each county sheriff, and the superintendent of state police which employs police officers or peace officers.

(e) Police officer means a person designated as such in section 1.20(34) of the Criminal Procedure Law.

(f) Peace officer means a person designated as such in section 2.10 of the Criminal Procedure Law.

(g) Use of force means when a police officer or peace officer does the following:

(1) displays a chemical agent by pointing a chemical agent at a subject; or

(2) uses/deployes a chemical agent by operating the chemical agent against a person in a manner capable of causing physical injury; or

(3) brandishes/uses/discharges a firearm by operating a firearm against a person in a manner capable of causing physical injury; or

(4) brandishes/uses/deployes an impact weapon or electronic control weapon by operating an impact weapon or electronic control weapon against a person in a manner capable of causing physical injury; or

(5) uses a chokehold or similar restraint, which is any application of sustained pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air; or

(6) engages in conduct which results in the death or serious bodily injury of another person.

(h) Serious bodily injury means a bodily injury that creates or causes a

substantial risk of death, unconsciousness, serious and protracted disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Section 6058.3. Employer Reporting Requirements.

(a) Each employer shall, in the form and manner set forth in section 6058.4 of this Part, submit or cause to be submitted any instance or occurrence where a police or peace officer employed by it employs use of force.

(b) Each employer shall, in the form and manner set forth in section 6058.4 of this Part, with respect to each use of force event reported, submit or cause to be submitted the following:

- (1) the type of use of force;
- (2) the date of the event;
- (3) village, town, or city, and county location of the event;
- (4) the law enforcement agencies involved;
- (5) a description of the circumstances of the event;
- (6) the race, sex, ethnicity, and age (or, if unknown, approximate age) of all persons engaging in the use of force; and
- (7) the race, sex, ethnicity, and age (or, if unknown, approximate age) of all persons suffering an injury from the use of force.

(c) Each employer shall, in the form and manner set forth in section 6058.4 of this Part, submit or cause to be submitted any additional information the commissioner may require the employer to report, including, but not limited to, use of force events and incident information, subject information, and officer information related to each event as required by the FBI in coordination with the FBI's Uniform Crime Reporting ("UCR") Program.

Section 6058.4. Employer Reporting Form.

Each employer shall submit all information required to be reported in accordance with section 6058.3 of this Part to the division in the form and manner as prescribed by the division.

Section 6058.5. Division Reporting Requirements.

(a) On an annual basis, the commissioner shall conspicuously publish on the division's website a comprehensive report including the use of force information received under section 6058.3 of this Part during the preceding year.

(b) Such reports shall not identify the names of the individuals involved, but for each use of force event reported, shall list the following in accordance with section 837-t of the executive law:

- (1) the type of use of force;
- (2) the date of the event;
- (3) the location of the event disaggregated by county and law enforcement agencies involved;
- (4) the town or city where the event occurred;
- (5) any additional relevant location information;
- (6) a description of the circumstances of the event;
- (7) the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons engaging in the use of force; and
- (8) the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons suffering an injury from the use of force.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. CJS-30-19-00010-EP, Issue of July 24, 2019. The emergency rule will expire April 27, 2020.

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

Regulatory Impact Statement

1. Statutory authority: The authority for the promulgation of these regulations is contained in Executive Law § 837-t and Executive Law § 837(13).

Executive Law § 837-t sets forth use of force reporting procedures to be followed by the chief of every police department, each county sheriff, and the Superintendent of State Police which employs police officers or peace officers, and by the Division of Criminal Justice Services (Division).

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

2. Legislative objectives: Chapter 55 of the Laws of 2019 added Executive Law § 837-t. Pursuant to that section, the chief of every police department, each county sheriff, and the Superintendent of State Police is required to report, to the Division, any instance or occurrence in which one of its police officers or peace officers employs use of force. The regulations clarify the statute by defining use of force as when a police officer or peace officer does the following:

- (1) displays a chemical agent by pointing a chemical agent at a subject; or
- (2) uses/deploys a chemical agent by operating the chemical agent against a person in a manner capable of causing physical injury; or

(3) brandishes/uses/discharges a firearm by operating a firearm against a person in a manner capable of causing physical injury; or

(4) brandishes/uses/deploys an impact weapon or electronic control weapon by operating an impact weapon or electronic control weapon against a person in a manner capable of causing physical injury; or

(5) uses a chokehold or similar restraint, which is any application of sustained pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air; or

(6) engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury means a bodily injury that creates or causes a substantial risk of death, unconsciousness, serious and protracted disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

In addition, on an annual basis, the Commissioner of the Division is required to conspicuously publish on the Division's website a comprehensive report including the use of force information received, such as:

- (a) the type of use of force;
- (b) the date of the event;
- (c) the location of the event disaggregated by county and law enforcement agencies involved;
- (d) the town or city where the event occurred;
- (e) any additional relevant location information;
- (f) a description of the circumstances of the event;
- (g) the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons engaging in the use of force; and
- (h) the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons suffering an injury from such use of force.

3. Needs and benefits: At the forefront of the national discussion involving policing in America is law enforcement's use of force, and the lack of statistical data to analyze use of force incidents.

The proposed rule sets forth reporting and recordkeeping procedures, regarding use of force pursuant to section 837-t of the Executive Law, to be followed by the chief of every police department, each county sheriff, and the Superintendent of State Police which employs police officers or peace officers, and by the Division. The proposed regulations require such employers of police and peace officers to report, to the Division, any instance or occurrence where a police or peace officer employs use of force. In addition, on an annual basis, the Commissioner of the Division is required to conspicuously publish on the Division's website a comprehensive report including the use of force information received.

Repeated and highly publicized incidents of police use of force, and lack of data about these incidents, leaves an impression that there is a lack of accountability by police officers in these cases. The proposed rule provides a mechanism to produce a comprehensive view of use of force incidents reported, including the circumstances, subjects, and officers involved in such incidents. This data can subsequently assist with improving policies and procedures regarding use of force, providing better analyses of reported incidents, and increasing public awareness. This is necessary for the preservation of public safety and the general welfare of people of the State of New York, as it will foster better relations between police and the communities they serve.

4. Costs: No funds were appropriated in the Budget to offset any costs to regulated parties, the agency, or State and local governments for the implementation of and continuing compliance with the rule. However, the costs (and potential savings) are undetermined, but are expected to include:

- the training of police officers and peace officers on the new use of force reporting requirements;
- the creation/modification of use of force reporting forms and/or systems;
- professional services to create/update use of force forms and/or systems;
- professional services to update websites, and website hosting and maintenance fees;
- the use of existing resources; and
- the fact that most, if not all, of the information that must be reported is already gathered or reported for other purposes.

5. Local government mandates: The proposed regulations will require employers of police and peace officers to report, to the Division, any instance or occurrence where a police or peace officer employed by it employs use of force.

6. Paperwork: The employers may have paperwork within its agency. However, each employer shall submit all information required to be reported to the Division electronically.

7. Duplication: The FBI established the National Use of Force Data Collection. However, participation by law enforcement is voluntary.

8. Alternatives: There are no alternatives. The proposed rule is pursuant to legislation.

9. Federal standards: The National Use of Force Data Collection includes three types of events:

- (a) when use of force by a law enforcement officer causes a fatality;

(b) when use of force by a law enforcement officer causes serious bodily injury; and

(c) in the absence of either death or serious bodily injury, when a law enforcement officer discharges a firearm at or in the direction of a person.

The National Use of Force Data Collection also includes extensive incident information, subject information, and officer information related to each event.

10. Compliance schedule: Regulated parties are expected to be able to achieve compliance with the proposed rule as soon as it is adopted.

Regulatory Flexibility Analysis

1. Effect of rule: The proposed rule applies to every police department and sheriff's office in New York State, and the New York State Police. The proposal does not apply to small businesses.

2. Compliance requirements: The proposed rule implements Executive Law § 837-t, which requires the chief of every police department, each county sheriff, and the Superintendent of State Police to report, to the Division of Criminal Justice Services (Division), any instance or occurrence in which one of its police officers or peace officers employs use of force. The regulations clarify the statute by defining use of force as when a police officer or peace officer does the following:

(1) displays a chemical agent by pointing a chemical agent at a subject; or

(2) uses/deployes a chemical agent by operating the chemical agent against a person in a manner capable of causing physical injury; or

(3) brandishes/uses/discharges a firearm by operating a firearm against a person in a manner capable of causing physical injury; or

(4) brandishes/uses/deployes an impact weapon or electronic control weapon by operating an impact weapon or electronic control weapon against a person in a manner capable of causing physical injury; or

(5) uses a chokehold or similar restraint, which is any application of sustained pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air; or

(6) engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury means a bodily injury that creates or causes a substantial risk of death, unconsciousness, serious and protracted disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

In addition, on an annual basis, the Commissioner of the Division is required to conspicuously publish on the Division's website a comprehensive report including the use of force information received, such as:

- (a) the type of use of force;
- (b) the date of the event;
- (c) the location of the event disaggregated by county and law enforcement agencies involved;
- (d) the town or city where the event occurred;
- (e) any additional relevant location information;
- (f) a description of the circumstances of the event;
- (g) the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons engaging in the use of force; and
- (h) the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons suffering an injury from the use of force.

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

4. Compliance costs: No funds were appropriated in the Budget to offset any costs to regulated parties, the agency, or State and local governments for the implementation of and continuing compliance with the rule. However, the costs (and potential savings) are undetermined, but are expected to include:

- the training of police officers and peace officers on the new use of force reporting requirements;
- the creation/modification of use of force reporting forms and/or systems;
- professional services to create/update use of force forms and/or systems;
- professional services to update websites, and website hosting and maintenance fees;
- the use of existing resources; and
- the fact that most, if not all, of the information that must be reported is already gathered or reported for other purposes.

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

6. Minimizing adverse impact: The mandates on local governments are minimal as law enforcement agencies already submit crime reports to the Division. Each employer is required to submit all information to the Division electronically.

7. Small business and local government participation: Use of force has long been a topic of discussion. A Use of Force Model Policy that references the new reporting requirements of Executive Law § 837-t, which are codified in the proposed regulations, was discussed and approved by the Municipal Police Training Council (Council), which consists of members

who are sheriffs, chiefs of police or commissioners of police, and the Commissioner of New York City. In addition, input regarding the use of force definitions was provided by a panel of law enforcement representatives. Such definitions were subsequently endorsed by the Council. The proposal does not apply to small businesses.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: The rule applies to every police department and sheriff's office in New York State, and the New York State Police. Many law enforcement agencies are located in rural areas.

2. Reporting, recordkeeping and other compliance requirements; and professional services: The proposed rule implements Executive Law § 837-t, which requires the chief of every police department, each county sheriff, and the Superintendent of State Police to report, to the Division of Criminal Justice Services (Division), any instance or occurrence in which one of its police officers or peace officers employs use of force. The regulations clarify the statute by defining use of force as when a police officer or peace officer does the following:

(1) displays a chemical agent by pointing a chemical agent at a subject; or

(2) uses/deployes a chemical agent by operating the chemical agent against a person in a manner capable of causing physical injury; or

(3) brandishes/uses/discharges a firearm by operating a firearm against a person in a manner capable of causing physical injury; or

(4) brandishes/uses/deployes an impact weapon or electronic control weapon by operating an impact weapon or electronic control weapon against a person in a manner capable of causing physical injury; or

(5) uses a chokehold or similar restraint, which is any application of sustained pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air; or

(6) engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury means a bodily injury that creates or causes a substantial risk of death, unconsciousness, serious and protracted disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

In addition, on an annual basis, the Commissioner of the Division is required to conspicuously publish on the Division's website a comprehensive report including the use of force information received, such as:

- (a) the type of use of force;
- (b) the date of the event;
- (c) the location of the event disaggregated by county and law enforcement agencies involved;
- (d) the town or city where the event occurred;
- (e) any additional relevant location information;
- (f) a description of the circumstances of the event;
- (g) the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons engaging in the use of force; and
- (h) the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons suffering an injury from the use of force.

Each employer is required to submit all information as part of the employer's monthly crime reports to the Division. Thus, the mandates on local governments are minimal as law enforcement agencies already report incident data to the Division.

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

3. Costs: No funds were appropriated in the Budget to offset any costs to regulated parties, the agency, or State and local governments for the implementation of and continuing compliance with the rule. However, the costs (and potential savings) are undetermined, but are expected to include:

- the training of police officers and peace officers on the new use of force reporting requirements;
- the creation/modification of use of force reporting forms and/or systems;
- professional services to create/update use of force forms and/or systems;
- professional services to update websites, and website hosting and maintenance fees;
- the use of existing resources; and
- the fact that most, if not all, of the information that must be reported is already gathered or reported for other purposes.

4. Minimizing adverse impact: The mandates on local governments are minimal as law enforcement agencies already submit crime reports to the Division. Each employer is required to submit all information to the Division electronically.

5. Rural area participation: Use of force has long been a topic of discussion. A Use of Force Model Policy that references the new reporting requirements of Executive Law § 837-t, which are codified in the proposed regulations, was discussed and approved by the Municipal Police Training Council (Council), which consists of members who are sheriffs, chiefs of police or commissioners of police, and the Commissioner of New York

City. In addition, input regarding the use of force definitions was provided by a panel of law enforcement representatives. Such definitions were subsequently endorsed by the Council.

Job Impact Statement

A Job Impact Statement is not being submitted with this Notice of Emergency Adoption because it is evident from the subject matter of the regulation that it will have no adverse impact on jobs or employment opportunities.

The proposed rule merely sets forth use of force reporting procedures to be followed by the chief of every police department, each county sheriff, and the Superintendent of State Police which employs police officers or peace officers, and by the Division of Criminal Justice Services.

Assessment of Public Comment

The Division of Criminal Justice Services (Division) will review and consider all public comments before adopting this emergency rule on a permanent basis. The 45-day public comment period, which commenced on January 15, 2020 has not ended. It expires on Saturday, February 29, 2020. However, the Division will accept comments until Monday, March 2, 2020. At that time, and after assessment of the comments received, the Division will determine if it will modify the rule or continue the rule without modification.

Education Department

EMERGENCY RULE MAKING

Extended Eligibility for Participation in Inclusive Athletic Activities

I.D. No. EDU-39-19-00008-E

Filing No. 188

Filing Date: 2020-03-03

Effective Date: 2020-03-03

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

Action taken: Amendment of sections 135.1 and 135.4 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 305, 803 and 3204

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

Specific reasons underlying the finding of necessity: As the term Unified Sports is a trademarked name, the proposed amendment to the regulation categorizes this program as "inclusive athletic activities." The proposed amendment establishes a definition for inclusive athletic activities and establishes the eligibility rules applicable to participants in such inclusive athletic activities. It is important to note that nothing in the amendments alters the eligibility limitations contained within Commissioner's regulation § 135.4(c)(7)(ii)(b)(1) for participation in traditional interscholastic athletic competition. The proposed rule is only applicable to students participating in inclusive athletic activities (i.e., the Unified Sports Program).

The proposed amendment establishes an exemption from the age and four-year limitation for students participating in inclusive athletic activities. A student who is enrolled in grades 9 through 12 and has not yet graduated from high school may continue to participate in inclusive athletic activities beyond the age of 19 and beyond four consecutive seasons of an inclusive athletic activity if the superintendent of schools or chief executive officer of the school or school system, as applicable, determines that the student meets the following criteria:

- Such student is a bona fide student of the high school for which the student wishes to participate in inclusive athletic activities and has not graduated from high school; and
- Such student is otherwise qualified to compete in the inclusive athletic activities for which he or she is applying for an exemption; and
- Such student has undergone an adequate health examination by the director of school health services, and the director of school health services has determined that the student's participation in such activities will not present a safety or health concern for such student.

The proposed amendment was adopted as an emergency action at the December Regents Meeting, effective December 10, 2019. The proposed amendment is being presented for adoption as a permanent rule at the March 2020 Regents meeting, however, pursuant to SAPA § 203(1), the earliest effective date of the permanent rule is March 18, 2020, the date a

Notice of Adoption will be published in the State Register. Since the December emergency rule will expire on March 8, 2020, 90 days after its filing with the Department of State on December 10, 2019, emergency action is necessary for the preservation of the general welfare to ensure that the proposed amendment adopted by emergency action at the December 2019 Regents meeting remains continuously in effect until it can be adopted as a permanent rule.

Subject: Extended Eligibility for Participation in Inclusive Athletic Activities.

Purpose: Establish a definition for inclusive athletic activities and establish rules applicable to participants in such activities.

Text of emergency rule: 1. Subdivision (h) of section 135.1 of the Regulations of the Commissioner of Education is amended as follows:

(h) Extra class periods in physical education mean 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 or inclusive athletic basis to supplement regular physical education class instruction.

2. Section 135.1 of the Regulations of the Commissioner of Education is amended by adding a new subdivision (w), to read as follows:

(w) *Inclusive athletic activities mean those activities which provide competition between representatives of two or more schools and which combine students with and without disabilities on teams for the purpose of interscholastic play and which ensure proportional representation of students with and without disabilities.*

2. Clauses (b) and (c) of subparagraph (ii) of paragraph (7) of subdivision (c) of section 135.4 of the Regulations of the Commissioner of Education shall be amended, to read as follows:

(b) Interschool athletic competition and inclusive athletic activities for pupils in senior high school grades 9, 10, 11 and 12. Inter-high school athletic competition and inclusive athletic activities shall be limited to competition between high school teams, composed of pupils in grades 9 to 12 inclusive, except as otherwise provided in subclause (a)(4) of this subparagraph for interschool athletic competition. Such activities shall be conducted in accordance with the following:

(1) Duration of competition. A pupil shall be eligible for senior high school athletic competition in a sport during each of four consecutive seasons of such sport commencing with the pupil's entry into the ninth grade and prior to graduation, except as otherwise provided in this subclause, or except as authorized by a waiver granted under clause (d) of this subparagraph to a student with a disability, or as authorized for participation in inclusive athletic activities pursuant to clause (e) of this paragraph. If a board of education has adopted a policy, pursuant to subclause (a)(4) of this subparagraph, to permit pupils in the seventh and eighth grades to compete in senior high school athletic competition, such pupils shall be eligible for competition during five consecutive seasons of a sport commencing with the pupil's entry into the eighth grade, or six consecutive seasons of a sport commencing with the pupil's entry into the seventh grade. A pupil enters competition in a given year when the pupil is a member of the team in the sport involved, and that team has completed at least one contest. A pupil shall be eligible for interschool competition in grades 9, 10, 11 and 12 until the last day of the school year in which he or she attains the age of 19, except as otherwise provided in subclause (a)(4) or clause (d) of this subparagraph, or in this subclause. The eligibility for competition of a pupil who has not attained the age of 19 years prior to July 1st may be extended under the following circumstances.

- (i) ...
- (ii) ...
- (iii)...
- (iv)...

(2) Registration. A pupil shall be eligible for interschool competition or inclusive athletic activities in a sport during a semester, provided that he is a bona fide student, enrolled during the first 15 school days of such semester, is registered in the equivalent of three regular courses, is meeting the physical education requirement, and has been in regular attendance 80 percent of the school time, bona fide absence caused by personal illness excepted.

(3) Sports standards. Interschool athletic programs shall be planned so as to provide opportunities for pupils to participate in a sufficient variety of types of sports. *Inclusive athletic activities shall be planned so as to provide proportional representation of students with and without disabilities and meaningful participation.* "Sports standards, such as number of contests, length of seasons, time between contests, required practice days, etc., for all interschool sports shall conform to guidelines established by the Commissioner of Education.

(c) Male and female pupils on interschool athletic teams and inclusive athletic activities.

(1) Equal opportunity to participate in interschool competition and inclusive athletic activities, either on separate teams or in mixed competi-

tion on the same team, shall be provided to [make] male and female students, except as hereinafter provided. In schools that do not provide separate competition for male and female students in a specific sport, no student shall be excluded from such competition solely by reason of sex, except in accordance with the provisions of subclauses (2) and (4) of this clause. For the purposes of this clause, baseball and softball shall be considered to constitute a single sport.

(2) In the sports of baseball, basketball, boxing, field hockey, football, ice hockey, lacrosse, rugby, soccer, softball, speedball, team handball, power volleyball where the height of the net is set at less than eight feet, and wrestling, the fitness of a given student to participate in mixed competition shall be determined by a review panel consisting of the school physician, a physical education teacher designated by the principal of the school, and if requested by the parents of the pupil, a physician selected by such parents. Such panel shall make its determination by majority vote of the members, and in accordance with standards and criteria issued by the department.

(3) Where a school provides separate competition for male and female pupils in interschool athletic competition or inclusive athletic activities in a specific sport, the superintendent of schools, or in the case of a nonpublic school or school system which elects to be governed by this clause, the chief executive officer of the school or school system, may permit a female or females to participate on a team organized for males. However, where separate competition is provided, males may not participate on teams organized for females.

(4) Where a school does not provide separate competition for male and female pupils in interschool athletic competition or inclusive athletic activities in a specific sport, the superintendent of schools, or in the case of a nonpublic school or school system which elects to be governed by this clause, the chief executive officer of the school or school system, or the section may decline to permit a male or males to participate on a team organized for females upon a finding that such participation would have a significant adverse effect upon the opportunity of females to participate successfully in interschool competition or inclusive athletic activities in that sport.

3. Subparagraph (ii) of paragraph (7) of subdivision (c) of section 135.4 of the Regulations of the Commissioner of Education shall be amended by adding a new clause (e) to read as follows:

(e) *Exemption from the age requirement and four-year limitation for inclusive athletic activities. A student who is enrolled in grades 9 through 12 and has not yet graduated from high school may be eligible to participate in inclusive athletic activities under the following limited conditions:*

(1) *such student may be granted an exemption to the age requirement and four-year limitation prescribed in subclause (b)(1) of this subparagraph. An exemption shall only be granted upon a determination by the superintendent of schools or chief executive officer of the school or school system, as applicable, that the given student meets the following criteria:*

(i) *such student is a bona fide student of the high school for which the student wishes to participate in inclusive athletic activities and has not graduated from high school; and*

(ii) *such student is otherwise qualified to compete in the inclusive athletic activities for which he or she is applying for an exemption; and*

(iii) *such student has undergone an adequate health examination by the director of school health services, and the director of school health services has determined that the student's participation in such activities will not present a safety or health concern for such student; and*

(2) *Nothing in this clause shall permit the extension of eligibility for a student to participate in interschool athletic competition as defined in 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. EDU-39-19-00008-P, Issue of September 25, 2019. The emergency rule will expire May 1, 2020.

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 112 EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

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

Education Law § 207 empowers Regents and Commissioner to adopt

rules and regulations to carry out State education laws and functions and duties conferred on the Department.

Education Law § 305 establishes the general powers and duties of the Commissioner of Education.

Education Law § 803 provides that all pupils above the age of eight years in all elementary and secondary schools shall receive physical education instruction under the direction of the Commissioner of Education as the regents may determine.

Education Law § 3204 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:

Consistent with the above statutory authority, the proposed amendments to 135.1 and 135.4 of the Regulations of the Commissioner of Education establish a definition for inclusive athletic activities and to establish the eligibility rules applicable to participants in such inclusive athletic activities.

3. NEEDS AND BENEFITS:

Commissioner's Regulation § 135.4(c)(7)(ii) establishes the parameters for participation in interscholastic athletic competition for students in grades 7 through 12. The underlying spirit of Commissioner's regulations governing interscholastic athletics is to provide for the safety and equal opportunity for participation for public school students. These principles guide athletic eligibility determinations for all student athletes who wish to participate in interscholastic athletic competition.

Recently, the New York State Public High School Athletic Association (NYSPPHSAA) and the Special Olympics New York organized a Unified Sports program available to all NYSPHSAA member schools. The Unified Sports Program provides for students with and without disabilities to participate on such teams for the purpose of training and competition. According to NYSPHSAA "[p]articipation is rooted in the principle of meaningful involvement which ensures that every player is given an opportunity to contribute to the success of his or her team through their unique skills. Inclusive activity is among the most conducive ways to break down stereotypes and foster relationships...."

This unique program which offers opportunities for participation in athletic competition, was not specifically contemplated in the regulations that establish the eligibility rules generally applicable to student athletes. NYSPHSAA has therefore been applying the duration of competition rule contained within Commissioner's regulation § 135.4(c)(7)(ii)(b)(1) and applicable to traditional interscholastic athletics to inclusive athletic activities. Generally, the regulation limits eligibility for senior high school athletic competition in a sport during each of four consecutive seasons of such sport, commencing with the pupil's entry into ninth grade and prior to graduation, and until the last day of the school year in which he or she attains the age of 19.

Because the Unified Sports program is designed with participation and inclusivity in mind, applying the existing duration of competition rule curtails a student's participation to four years and before attaining the age of 19. These current eligibility requirements are not aligned with the intent of the inclusive athletics program. There are a number of students who continue school beyond the age of athletic eligibility, most particularly students with disabilities, who often remain in school until age 21.

Since this program has increased in popularity, NYSPHSAA and Special Olympics New York, along with numerous other constituents, have approached the Department to allow students an extended time to participate in the Unified Sports program, as long as they continue to be eligible to attend school and such participation would not pose a safety risk.

4. COSTS:

Cost to the State: No additional costs are imposed on the State.

Costs to local government: No additional costs are imposed on local governments.

Cost to private regulated parties: No additional costs are imposed on regulated private parties.

Cost to regulating agency for implementation and continued administration of this rule: No additional costs are imposed on the State Education Department.

5. LOCAL GOVERNMENT MANDATES:

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

6. PAPERWORK:

The proposed amendment does not impose any specific recordkeeping, reporting or other paperwork requirements.

7. DUPLICATION:

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

8. ALTERNATIVES:

The proposed amendment is necessary to establish a definition for

inclusive athletic activities and to establish eligibility rules applicable to participants in such inclusive athletic activities. There were no significant alternatives 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 January 2020 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 January 2020 meeting, the proposed amendment will become effective on January 29, 2020.

Regulatory Flexibility Analysis

(a) Small businesses:

The purpose of the proposed amendments is to establish a definition for inclusive athletic activities and to establish the eligibility rules applicable to participants in such inclusive athletic activities. The proposed amendment will not impose any additional compliance requirements.

The amendment does not impose any adverse economic impact, reporting, recordkeeping or other compliance requirements on small businesses. Because it is evident from the nature of the proposed amendment that it does not affect small businesses, 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.

(b) Local government:

1. EFFECT OF RULE:

The proposed amendment applies to each of the 695 public school districts in the State.

2. COMPLIANCE REQUIREMENTS:

As the term Unified Sports is a trademarked name, the proposed amendment to the regulation categorizes this program as "inclusive athletic activities." The proposed amendment establishes a definition for inclusive athletic activities and establishes the eligibility rules applicable to participants in such inclusive athletic activities. It is important to note that nothing in the amendments alter the eligibility limitations contained within Commissioner's regulation § 135.4(c)(7)(ii)(b)(1) for participation in traditional interscholastic athletic competition. The proposed rule is only applicable to students participating in inclusive athletic activities (i.e., the Unified Sports Program).

The proposed amendment establishes an exemption from the age and four-year limitation for students participating in inclusive athletic activities. A student who is enrolled in grades 9 through 12 and has not yet graduated from high school may continue to participate in inclusive athletic activities beyond the age of 19 and beyond four consecutive seasons of an inclusive athletic activity if the superintendent of schools or chief executive officer of the school or school system, as applicable, determines that the student meets the following criteria:

- such student is a bona fide student of the high school for which the student wishes to participate in inclusive athletic activities and has not graduated from high school; and
- such student is otherwise qualified to compete in the inclusive athletic activities for which he or she is applying for an exemption; and
- Such student has undergone an adequate health examination by the director of school health services, and the director of school health services has determined that the student's participation in such activities will not present a safety or health concern for such student.

3. NEEDS AND BENEFITS:

Commissioner's Regulation § 135.4(c)(7)(ii) establishes the parameters for participation in interscholastic athletic competition for students in grades 7 through 12. The underlying spirit of Commissioner's regulations governing interscholastic athletics is to provide for the safety and equal opportunity for participation for public school students. These principles guide athletic eligibility determinations for all student athletes who wish to participate in interscholastic athletic competition.

Recently, the New York State Public High School Athletic Association (NYSPHSAA) and the Special Olympics New York organized a Unified Sports program available to all NYSPHSAA member schools. The Unified Sports Program provides for students with and without disabilities to participate on such teams for the purpose of training and competition. According to NYSPHSAA "[p]articipation is rooted in the principle of meaningful involvement which ensures that every player is given an opportunity to contribute to the success of his or her team through their unique skills. Inclusive activity is among the most conducive ways to break down stereotypes and foster relationships...."

This unique program which offers opportunities for participation in athletic competition, was not specifically contemplated in the regulations that establish the eligibility rules generally applicable to student athletes. NYSPHSAA has therefore been applying the duration of competition rule contained within Commissioner's regulation § 135.4(c)(7)(ii)(b)(1) and applicable to traditional interscholastic athletics to inclusive athletic

activities. Generally, the regulation limits eligibility for senior high school athletic competition in a sport during each of four consecutive seasons of such sport, commencing with the pupil's entry into ninth grade and prior to graduation, and until the last day of the school year in which he or she attains the age of 19.

Because the Unified Sports program is designed with participation and inclusivity in mind, applying the existing duration of competition rule curtails a student's participation to four years and before attaining the age of 19. These current eligibility requirements are not aligned with the intent of the inclusive athletics program. There are a number of students who continue school beyond the age of athletic eligibility, most particularly students with disabilities, who often remain in school until age 21.

Since this program has increased in popularity, NYSPHSAA and Special Olympics New York, along with numerous other constituents, have approached the Department to allow students an extended time to participate in the Unified Sports program, as long as they continue to be eligible to attend school and such participation would not pose a safety risk.

4. PROFESSIONAL SERVICES:

The proposed amendment imposes no additional professional services requirements on school districts.

5. COMPLIANCE COSTS:

The proposed amendments will not impose any additional program, service, duty, responsibility or costs beyond those imposed by the statute.

6. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed amendments do not impose any new technological requirements on school districts or charter schools. Economic feasibility is addressed in the Costs section above.

7. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to establish a definition for inclusive athletic activities and to establish the eligibility rules applicable to participants in such inclusive athletic activities. 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, 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:

Commissioner's Regulation § 135.4(c)(7)(ii) establishes the parameters for participation in interscholastic athletic competition for students in grades 7 through 12. The underlying spirit of Commissioner's regulations governing interscholastic athletics is to provide for the safety and equal opportunity for participation for public school students. These principles guide athletic eligibility determinations for all student athletes who wish to participate in interscholastic athletic competition.

Recently, the New York State Public High School Athletic Association (NYSPHSAA) and the Special Olympics New York organized a Unified Sports program available to all NYSPHSAA member schools. The Unified Sports Program provides for students with and without disabilities to participate on such teams for the purpose of training and competition. According to NYSPHSAA "[p]articipation is rooted in the principle of meaningful involvement which ensures that every player is given an opportunity to contribute to the success of his or her team through their unique skills. Inclusive activity is among the most conducive ways to break down stereotypes and foster relationships...."

This unique program which offers opportunities for participation in athletic competition, was not specifically contemplated in the regulations that establish the eligibility rules generally applicable to student athletes. NYSPHSAA has therefore been applying the duration of competition rule contained within Commissioner's regulation § 135.4(c)(7)(ii)(b)(1) and applicable to traditional interscholastic athletics to inclusive athletic activities. Generally, the regulation limits eligibility for senior high school athletic competition in a sport during each of four consecutive seasons of such sport, commencing with the pupil's entry into ninth grade and prior to graduation, and until the last day of the school year in which he or she attains the age of 19.

Because the Unified Sports program is designed with participation and inclusivity in mind, applying the existing duration of competition rule curtails a student's participation to four years and before attaining the age of 19. These current eligibility requirements are not aligned with the intent of the inclusive athletics program. There are a number of students who continue school beyond the age of athletic eligibility, most particularly students with disabilities, who often remain in school until age 21.

Since this program has increased in popularity, NYSPHSAA and Special Olympics New York, along with numerous other constituents, have approached the Department to allow students an extended time to participate in the Unified Sports program, as long as they continue to be eligible to attend school and such participation would not pose a safety risk.

3. COMPLIANCE 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 statute.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to establish a definition for inclusive athletic activities and to establish eligibility rules applicable to participants in such inclusive athletic activities. There were no significant alternatives and none were considered.

5. RURAL AREA PARTICIPATION:

Copies of the proposed amendments have been provided to the Rural Advisory Committee for review and comment.

Job Impact Statement

The purpose of the proposed amendments is to establish a definition for inclusive athletic activities and to establish the eligibility rules applicable to participants in such inclusive athletic activities.

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.

Assessment of Public Comment

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

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Military Ballots for School District and School District Public Library Elections, Budget, and Referenda

I.D. No. EDU-11-20-00015-EP

Filing No. 187

Filing Date: 2020-03-03

Effective Date: 2020-03-03

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

Proposed Action: Addition of Part 122 to Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 260, 260-a, 305, 2012, 2014, 2018-a, 2018-b, 2018-d, as added by L. 2019, ch. 489

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

Specific reasons underlying the finding of necessity: The proposed addition of Part 122 to the Regulations of the Commissioner of Education is necessary to implement the provision of Chapter 489 of the Law of 2019 (Chapter 489) which amended the Education Law, effective November 11, 2019, providing military ballots for school district and school district public library elections, budget, and referenda.

The proposed addition of Part 122 to the Commissioner's regulation implements Chapter 489 and clarifies provision relating to the transmission of military voter registration, ballot applications, and ballots; the form of such voter registration, ballot applications, and ballots; the procedures for voting by military ballot; language for the military ballot voter affirmation; and the canvassing of military ballots.

Since the Board of Regents meets at fixed intervals, the earlier the proposed amendment could be adopted by regular (non-emergency) action, pursuant to the requirements of the State Administrative Procedure Act- including publication in the State Register and expiration of a 60-day public comment period, is the July 2020 Regents meeting, and the earliest an adoption at such meeting could be made effective would be July 29, 2020.

Therefore, emergency action is necessary at the March 2020 meeting for the preservation of the general welfare in order to immediately conform the Regulations of the Commission of Education to Chapter 489, which became effective November 11, 2019, and to ensure that procedures and standards are in place for military voters so that they are able to vote by military ballot in school district and school district public library elections, budgets, and referenda as they are entitled to under the provisions of such chapter.

It is anticipated that the proposed rule will be presented to the Board of

Regents for adoption as a permanent rule at the July 2020 meeting, which is the first scheduled meeting after expiration of the 60-day public comment period mandated by the State Administrative Procedure Act. However, since the emergency regulation will expire before the July Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the May 2020 Regents meeting.

Subject: Military Ballots for School District and School District Public Library Elections, Budget, and Referenda.

Purpose: To implement chapter 489 of the Laws of 2019 which added section 2018-d to the Education Law.

Substance of emergency/proposed rule (Full text is posted at the following State website: <http://www.counsel.nysed.gov/rules/full-text-indices>): Chapter 489 of the Laws of 2019 ("Chapter 489") added section 2018-d to the Education Law which provides military voters the opportunity to vote by military ballots for school district and school district public library elections, budget, and referenda. Previously, persons serving in the military, including spouses and dependents, could register as military voters in New York State entitling them to receive military ballot for all federal, State, and local elections. Chapter 489 extends such provisions to school district and school district public library elections, budget, and referenda.

A summary of the terms of the proposed Part 122 are as follows:

- Section 122.1 provides for the applicability of this Part;
- Section 122.2 provides definitions for specific terms for this Part;
- Section 122.3 provides clarification on the transmission of military voter registration, ballot applications, and ballots including methods of transmission (mail, fax, or e-mail) and time frames for transmission.
- Section 122.4 provides clarification regarding military voter registration, including what, at a minimum, must be included on personal registration applications forms for school districts with a system for the personal registration for voters;
- Section 122.5 provides clarification regarding military ballot applications and the form of such ballot applications;
- Section 122.6 provides clarification on military ballots, including what shall be included on such ballots and the validity of such ballots. This section also requires school districts and school district public libraries, as applicable to prepare a list of military voters to whom military ballots have been issued and requires such list to be made available for public inspection;
- Section 122.7 provides clarification on the procedures for voting by military ballot, including how to mark the ballot and how to secure the ballot and transmit it back to the school district or school district public library, as applicable;
- Section 122.8 provides the language for the military ballot voter affirmation; and
- Section 122.9 provides clarification on the canvassing of military ballots by school districts and school district public libraries, as applicable.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire May 31, 2020.

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: Julia Patane, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 148EB, Albany, NY 12234, (518) 474-6400, 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:

Education Law section 101 (not subdivided) charges the Department with the general management and supervision of all public schools and of all the educational work of the state.

Education Law section 207 (not subdivided) grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

Education Law section 260 provides that public libraries authorized to be established by action of the voters or their representatives shall be managed by trustees.

Education Law section 260-a requires every meeting of a board of trustees of a public library system, cooperative library system, public library or free association library to be open to the general public.

Education Law section 305(1) authorizes the Commissioner to enforce laws relating to the State educational system and execute Regents

educational policies. Section 305(2) provides the Commissioner with general supervision over schools and authority to advise and guide school district officers in their duties and the general management of their schools.

Education Law section 2012 enumerates the qualifications of voters at school district meetings.

Education Law section 2014 provides that in any union free school district, the board of education may provide for the personal registration of voters at school meetings or elections.

Education Law section 2018-a requires the board of education of school district which elect school board members by ballot and provide for personal registration of voters, to provide for absentee ballots for the election of members of the board of education and school district public library trustees, the adoption of the annual budget and school district public library budget and referenda in accordance with the provisions of such section.

Education Law section 2018-b requires school districts which do not provide for the personal registration of voters for school district meetings and elections but which elect trustees or school board members by ballot to provide for absentee ballots for the election of the trustees or members of the board and school district public library trustees, the adoption of the annual budget and school district public library budget and referenda.

Education Law section 2018-c provides for additional voting procedures that school districts may require.

Education Law section 2018-d as added by chapter 489 of the Laws of 2019 provides for military ballots for use by military voters to vote in school district and school district public library elections, budget, and referenda.

2. LEGISLATIVE OBJECTIVES:

Consistent with the above statutory authority, the purpose of the proposed addition of Part 122 to the Regulations of the Commissioner of Education is to implement the provisions of Chapter 489 of the Laws of 2019 which added section 2018-d to the Education Law providing for military ballots for use by military voters for school district and school district public library elections, budget, and referenda.

3. NEEDS AND BENEFITS:

Chapter 489 of the Laws of 2019 ("Chapter 489") added section 2018-d to the Education Law which provides military voters the opportunity to vote by military ballots for school district and school district public library elections, budget, and referenda. Previously, persons serving in the military, including spouses and dependents, could register as military voters in New York State entitling them to receive military ballot for all federal, State, and local elections. Chapter 489 extends such provisions to school district and school district public library elections, budget, and referenda.

At the request of the New York State School Boards Association to provide clarity to the field on Chapter 489, the proposed addition of Part 122 of the Commissioner's regulation provides clarification on various provisions of such Chapter:

- Section 122.3 provides clarification on the transmission of military voter registration, ballot applications, and ballots including methods of transmission (mail, fax, or e-mail) and time frames for transmission;
- Section 122.4 provides clarification regarding military voter registration, including what, at a minimum, must be included on personal registration applications forms for school districts with a system for the personal registration for voters;
- Section 122.5 provides clarification regarding military ballot applications and the form of such ballot applications;
- Section 122.6 provides clarification on military ballots, including what shall be included on such ballots and the validity of such ballots. This section also requires school districts and school district public libraries, as applicable to prepare a list of military voters to whom military ballots have been issued and requires such list to be made available for public inspection;
- Section 122.7 provides clarification on the procedures for voting by military ballot, including how to mark the ballot and how to secure the ballot and transmit it back to the school district or school district public library, as applicable;
- Section 122.8 provides the language for the military ballot voter affirmation; and
- Section 122.9 provides clarification on the canvassing of military ballots by school districts and school district public libraries, as applicable.

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 beyond those inherent in statute.

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

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

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment requires school boards of education and school district public libraries, as applicable, to provide for military voter registration, military ballot applications, and military ballots consistent with the provisions of Chapter 489.

6. PAPERWORK:

The proposed amendment requires school boards of education and school district public libraries, as applicable, to provide for military voter registration, military ballot applications, and military ballots consistent with the provisions of Chapter 489.

7. DUPLICATION:

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

8. ALTERNATIVES:

The proposed amendment is necessary to conform the Commissioner's Regulations to Chapter 489. There were no significant alternatives and none were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

A Notice of Emergency Adoption and Proposed Rule Making will be published in the State Register on March 18, 2020. 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 July 2020 meeting. If adopted at the July 2020 meeting, the proposed amendment will become effective on July 29, 2020.

Regulatory Flexibility Analysis

(a) Small businesses:

The proposed rule relates to military ballots for use by military voters for school district and school district public library elections, budget, and referenda. The proposed amendments do not impose any adverse economic impact, reporting, recordkeeping or any other compliance requirements on small businesses. Because it is evident from the nature of the proposed amendments that they do 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 purpose of the proposed addition of Part 122 to the Regulations of the Commissioner of Education is to implement the provisions of Chapter 489 of the Laws of 2019 (Chapter 489) which added section 2018-d to the Education Law providing for military ballots for use by military voters for school district and school district public library elections, budget, and referenda. The proposed amendment applies to each of the 695 public school districts in the State.

2. COMPLIANCE REQUIREMENTS:

The proposed addition of Part 122 of the Regulations of the Commissioner of Education requires school boards of education and school district public libraries, as applicable, to provide for military voter registration, military ballot applications, and military ballots consistent with the provisions of Chapter 489.

3. PROFESSIONAL SERVICES:

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

4. COMPLIANCE COSTS:

The proposed amendment will not impose any additional program, service, duty, responsibility or costs beyond those imposed by statute.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

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

6. MINIMIZING ADVERSE IMPACT:

The proposed amendment to the Regulations of the Commissioner of Education implements Chapter 489 by providing for military ballots for use by military voters for school district and school district public library elections, budget, and referenda. Accordingly, no alternatives were 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 and from the chief school officers of the five big city school districts.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

The proposed rule applies to all school districts in the State, 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:

Chapter 489 of the Laws of 2019 ("Chapter 489") added section 2018-d to the Education Law which provides military voters the opportunity to vote by military ballots for school district and school district public library elections, budget, and referenda. Previously, persons serving in the military, including spouses and dependents, could register as military voters in New York State entitling them to receive military ballot for all federal, State, and local elections. Chapter 489 extends such provisions to school district and school district public library elections, budget, and referenda.

At the request of the New York State School Boards Association to provide clarity to the field on Chapter 489, the proposed addition of Part 122 of the Commissioner's regulation provides clarification on various provisions of such Chapter:

- Section 122.3 provides clarification on the transmission of military voter registration, ballot applications, and ballots including methods of transmission (mail, fax, or e-mail) and time frames for transmission;
- Section 122.4 provides clarification regarding military voter registration, including what, at a minimum, must be included on personal registration applications forms for school districts with a system for the personal registration for voters;
- Section 122.5 provides clarification regarding military ballot applications and the form of such ballot applications;
- Section 122.6 provides clarification on military ballots, including what shall be included on such ballots and the validity of such ballots. This section also requires school districts and school district public libraries, as applicable to prepare a list of military voters to whom military ballots have been issued and requires such list to be made available for public inspection;
- Section 122.7 provides clarification on the procedures for voting by military ballot, including how to mark the ballot and how to secure the ballot and transmit it back to the school district or school district public library, as applicable;
- Section 122.8 provides the language for the military ballot voter affirmation; and
- Section 122.9 provides clarification on the canvassing of military ballots by school districts and school district public libraries, as applicable.

3. COMPLIANCE COSTS:

The proposed amendment does not impose any additional costs on entities in rural areas.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to implement Chapter 489 to provide for military ballots for use by military voters for school district and school district public library election, budget, and referenda. Therefore, no alternatives were considered for those located in rural areas of the State.

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 purpose of the proposed addition of section 122 to the Regulations of the Commissioner of Education is to implement Chapter 489 of the Laws of 2019 which added section 2018-d to the Education Law providing for military ballots for use by military voters in school district and school district public library elections, budget, and referenda. 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.

NOTICE OF ADOPTION

Extended Eligibility for Participation in Inclusive Athletic Activities

I.D. No. EDU-39-19-00008-A

Filing No. 186

Filing Date: 2020-03-03

Effective Date: 2020-03-18

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

Action taken: Amendment of sections 135.1 and 135.4 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 305, 803 and 3204

Subject: Extended Eligibility for Participation in Inclusive Athletic Activities.

Purpose: Establish a definition for inclusive athletic activities and establish rules applicable to participants in such activities.

Text or summary was published in the September 25, 2019 issue of the Register, I.D. No. EDU-39-19-00008-P.

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

Revised rule making(s) were previously published in the State Register on December 24, 2019

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 112 EB, 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 2023, 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.

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Special Education Impartial Hearing Officers and the Special Education Due Process System Procedures

I.D. No. EDU-11-20-00013-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 200.1 and 200.5 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 305, 3214, 4403, 4404 and 4410

Subject: Special Education Impartial Hearing Officers and the Special Education Due Process System Procedures.

Purpose: To address volume of special education due process complaints in the New York City due process system.

Public hearing(s) will be held at: 10:00 a.m., May 18, 2020 at 1411 Broadway, New York, NY; 10:00 a.m., June 11, 2020 at ACCES/VR, 80 Wolf Rd., Suite 200, Albany, NY; and 10:00 a.m., June 11, 2020 at Monroe 2--Orleans BOCES, 160 Wallace Way, Bldg. 9, Rochester, NY.

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

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

Text of proposed rule: 1. Paragraph (1) of subdivision (x) of section 200.1 of the Regulations of the Commissioner of Education is amended to read as follows:

(1) be an individual admitted to the practice of law [in the State of New York] who is currently in good standing and who has a minimum of [two years] *one year* of practice and/or experience in the areas of education, special education, disability rights [or], civil rights *or administrative law*; or be an individual certified by the State of New York as an impartial hearing officer on September 1, 2001; *or for complaints filed in the city school district of the city of New York be an individual possessing a minimum of a Master's degree in education, special education, psychology, or a related field and two years of experience applying knowledge of federal or State law and regulations pertaining to the Individuals with Disabilities Education Act in education, special education, or a related field.*

2. Paragraph (2) of subdivision (e) of section 200.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(2) Each public school, public agency [and], approved private school, *and impartial hearing officer* subject to the provisions of this Part shall preserve the confidentiality of personally identifiable data, information or records pertaining to students with disabilities. Such confidentiality must be preserved in a manner consistent with the procedures adopted pursuant to section 200.2(b)(6) of this Part and/or in accordance with 20 USC 1232(g) and the provisions of part 99 of title 34 of the Code of Federal Regulations or its successor and sections 300.610 through 300.625. (United States Code, 2006 edition, volume 12, 2008; Superintendent of Documents, U.S. Government Printing Office, Stop SSOP, Washington, DC 20402-9328: 2004; Code of Federal Regulations, 2009 edition, title 34, part 99, Superintendent of Documents, U.S. Government Printing Of-

fice, Stop SSOP, Washington, DC 20402-0001; Code of Federal Regulations, 2009 edition, title 34, sections 300.610-300.625, Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-0001; 2009 - available at the Office of Counsel, New York State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, NY 12234).

3. Clause (c) of subparagraph (xii) of paragraph (3) of subdivision (j) of section 200.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(c) The impartial hearing officer may receive any oral, documentary or tangible evidence except that the impartial hearing officer shall exclude evidence that he or she determines to be irrelevant, immaterial, unreliable or unduly repetitious. The impartial hearing officer may receive testimony by telephone or video conference, provided that such testimony shall be made under oath and shall be subject to cross examination.

4. Subparagraph (xii) of paragraph (3) of subdivision (j) of section 200.5 of the Regulations of the Commissioner of Education is amended by adding a new clause (h) to read as follows:

(h) *The impartial hearing officer may conduct the impartial hearing by video conference with consent of the parties, which may be obtained at the pre-hearing conference, or at a minimum of 10 days before the scheduled hearing date, provided that all personally identifiable data, information or records pertaining to students with disabilities during such hearing shall be subject to the requirements of section 200.5(e)(2) of this Part.*

5. The opening paragraph of paragraph (5) of subdivision (j) of section 200.5 of the Regulations of the Commissioner of Education are amended to read as follows:

(5) Timeline to render a decision. Except as provided in section 200.16(h)(9) of this Part and section 201.11 of this Title, if a school district files the due process complaint, the impartial hearing officer shall render a decision and mail a copy of the written, or at the option of the parents, electronic findings of fact and the decision to the parents and to the board of education not later than 45 days from the day after the public agency's due process complaint is received by the other party and the State Education Department. Except as provided in section 200.16(h)(9) of this Part and section 201.11 of this Title, if the parent files the due process complaint notice, the decision is due not later than 45 days from the day after one of the following events, whichever shall occur first: (a) both parties agree in writing to waive the resolution meeting; (b) after either the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible; (c) if both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, the parent or public agency withdraws from the mediation process; or (d) the expiration of the 30-day resolution period. In cases where extensions of time have been granted beyond the applicable required timelines, the decision must be rendered and mailed no later than 14 days from the date the impartial hearing officer closes the record. The date the record is closed shall be indicated in the decision. *Whether the parent or school district filed the due process complaint, the impartial hearing officer shall render a decision in a format consistent with State Education Department guidelines wherein all personally identifiable data, information or records pertaining to students with disabilities shall be subject to the requirements of section 200.5(e)(2) of this Part.* After a final decision has been rendered, the impartial hearing officer shall promptly transmit the record to the school district together with a certification of the materials included in the record. The record of the hearing and the findings of fact and the decision shall be provided at no cost to the parents. Within 15 days of mailing the decision to the parties, the impartial hearing officer shall submit the decision to the Office of Special Education of the State Education Department. All personally identifiable information, in accordance with the guidelines provided by the commissioner, shall be deleted from the copy forwarded to the Office of Special Education.

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

Data, views or arguments may be submitted to: Christopher Suriano, Office of Special Education, NYS Education Department, 89 Washington Avenue, 301M EB, Albany, NY 12234, (518) 473-6119, email: REGCOMMENTS@nysed.gov

Public comment will be received until: May 18, 2020.

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 (not subdivided) charges the Department with the general management and supervision of all public schools and of all the educational work of the state.

Education Law § 207 (not subdivided) grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

Education Law § 305(1) authorizes the Commissioner to enforce laws relating to the State educational system and execute Regents educational policies. Section 305(2) provides the Commissioner with general supervision over schools and authority to advise and guide school district officers in their duties and the general management of their schools.

Education Law § 3214(3)(g) establishes the authority of an impartial hearing officer relating to a change in placement to interim alternative educational settings.

Education Law § 4403 outlines the Department's responsibilities regarding special education programs and services to students with disabilities. Section 4403(3) authorizes the Department to adopt regulations as the Commissioner deems in their best interest.

Education Law § 4404 establishes the appeal procedures for students with disabilities. Subdivision (1) authorizes and requires the Commissioner to promulgate regulations relating to the qualifications, procedures and timelines for impartial hearings, as well as procedures for the suspension or revocation of impartial hearing officer certification for good cause.

Education Law § 4410(7) provides that a parent may file a written request with the board of education for an impartial hearing with respect to any matter relating to the identification, evaluation or educational placement of, or provision of a free appropriate public education to preschool students with disabilities. Subdivision (14) authorizes the Commissioner to adopt regulations to implement the such statute.

2. LEGISLATIVE OBJECTIVES:

Consistent with the above statutory authority, the purpose of the proposed amendments are to: (1) expand the pool of potential impartial hearing officer (IHO) applicants in New York City by removing the restriction that all IHO attorney candidates be licensed in New York State and by allowing for the certification of qualified non-attorney IHOs to hear complaints filed in New York City; (2) ensure that IHOs maintain student confidentiality of students' personally identifiable information and render decisions in a format consistent with NYSED guidelines that comply with the Family Educational Rights and Privacy Act; and (3) permit IHOs to receive testimony by video conference, and to conduct hearings by video conference.

3. NEEDS AND BENEFITS:

In January 2020, the Board of Regents was presented with a discussion item regarding expanding the pool of applicants of Impartial Hearing Officers (IHOs) to hear special education due process complaints filed in New York City. A presentation by the New York State Education Department's (NYSED's) Office of Special Education's (OSE) consultant, Deuseddi Merced from Special Education Solutions, LLC, provided data on the number of due process complaints filed in New York State compared to the rest of the country. New York exceeds by 63 percent the next most active state (California) with due process complaint filings.

Additionally, within New York State, the overwhelming majority of due process complaints are filed in New York City. In the 2018-2019 school year, 10,189 special education due process complaints were filed in New York State; of these, 9,694 filings, or 95 percent, were in New York City. That amount is expected to increase during the 2019-2020 school year. This unprecedented volume of special education due process complaints is overwhelming the New York City due process system.

NYSED is proposing certain regulatory changes to expand the pool of IHO applicants in New York City and to clarify certain IHO duties and responsibilities. Many of these additional changes were listed in the January 2020 Regents item as possible amendments to address deficiencies in the hearing process that might help alleviate some of the pressure on the New York City Department of Education's special education due process system.

Expanding the Pool of Potential IHO Applicants in New York City

In accordance with the Individuals with Disabilities Education Act (IDEA), all IHOs must be held to a standard of appropriate legal practice when presiding over and rendering decisions in special education due process hearings. However, as discussed at the January 2020 Board of Regents meeting, New York State's current requirements for IHOs far exceed those required by IDEA to address the unprecedented number of open special education due process complaints in New York City.

1) Widening the Pool of Attorney IHO Candidates to Become IHOs:

NYSED proposes to amend section 200.1(x) of the Regulations of the Commissioner of Education to remove the restriction that all IHO attorney candidates be licensed in New York State, thereby providing for the certification of qualified candidates from neighboring states. These candidates must be in good standing in their licensed state. The amendment would further expand the areas of relevant law practice and experience for attorney candidates to better align with the requirements of IDEA by eliminating reference to civil rights law and more appropriately including reference to include experience in administrative law. The proposed

amendment would also reduce the number of years of experience and/or practice for attorney candidates from two years to one year. While these proposed changes may widen the pool of applicant IHOs, it is important to note that when seeking a new cohort of IHOs for certification, NYSED seeks resumes, an extensive application, a writing sample, and three references, as well as conducting interviews of candidates, before inviting the applicant to attend a rigorous five-day training program. In other words, IHO candidates are rigorously vetted.

2) Allowing for Certification of Non-Attorney IHOs:

NYSED further proposes to amend section 200.1(x) of the Regulations of the Commissioner of Education to allow for the certification of non-attorney IHOs to hear complaints filed in New York City, as well as set qualifications for these candidates. Because 95 percent of the volume of New York State's cases are in New York City, and, during stakeholder engagement, the Rest of State (ROS) did not endorse this change in qualifications for the IHOs handling due process hearings in their districts, this change would only pertain to New York City. The New York City Department of Education endorses this change in order to expand the number of certified IHOs accepting cases in New York City. Currently, there are 67 certified IHOs assigned to more than 10,000 due process complaints in New York City with approximately 1,700 cases waiting assignment of an IHO. Expanding the pool of applicants and having more IHOs available to take cases will assist with this volume. Non-attorney IHOs will be required to possess a minimum of a Masters degree in education, special education, psychology, or a related field and two years of experience applying knowledge of federal or State law and regulations pertaining to the Individuals with Disabilities Education Act in education, special education, or a related field.

Privacy

1) IHOs must maintain student confidentiality:

NYSED proposes to amend section 200.5(e) of the Regulations of the Commissioner of Education to add IHOs to this section listing out who is required to maintain confidentiality of students' personally identifiable information.

2) IHOs must render decisions in a consistent format:

Additionally, and in accordance with section 200.5(e), NYSED proposes to amend section 200.5(j) requiring IHOs to render decisions in a format consistent with NYSED guidelines that comply with the Family Educational Rights and Privacy Act (FERPA). This requirement will eliminate the need for local educational agencies or NYSED to have to redact decisions so that they comply with FERPA before making the decisions publicly available as required by IDEA.

Use of Video Conference

1) IHOs may receive testimony by video conference:

The regulations currently allow IHOs to receive testimony by telephone. NYSED proposes amending section 200.5(j)(3)(xii)(c) of the Regulations of the Commissioner of Education to allow IHOs to receive testimony via video conference to better accommodate needed witnesses, provided that such testimony shall be made under oath and shall be subject to cross-examination.

2) IHOs may conduct hearings by video conference:

To address concerns of the more than 10,000 due process cases in New York City, NYSED proposes to add clause (h) to section 200.5(j)(3)(xii) to allow an IHO to conduct hearings by video conference with the consent of parties so long as all personally identifiable data, information, or records pertaining to students with disabilities during such hearing is subject to section 200.5(e), pertaining to privacy, described above.

4. COSTS:

(a) Costs to State government: There are no additional costs to State government beyond those inherent in statute.

(b) Costs to local government: There are no additional costs to local government beyond those inherent in statute.

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

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

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment expands the pool of IHO applicants in New York City and clarifies certain IHO duties and responsibilities and does not impose any program, service, duty or responsibility upon any county, city, town, village, school district, fire district or other special district.

6. PAPERWORK:

The proposed amendment does not impose any reporting or other paperwork requirements.

7. DUPLICATION:

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

8. ALTERNATIVES:

The proposed amendment is necessary to address the deficiencies in the impartial hearing process by expanding the pool of IHO applicants and

clarifying certain IHO duties and responsibilities. There were no significant alternatives and none 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 March 18, 2020. 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 July 2020 meeting. If adopted at the July 2020 meeting, the proposed amendment will become effective on July 29, 2020.

Regulatory Flexibility Analysis

(a) Small businesses:

The proposed amendments expands the pool of impartial hearing officer (IHO) applicants to hear special education due process complaints filed in New York City and clarifies certain IHO duties and responsibilities. The proposed amendments do not impose any adverse economic impact, reporting, recordkeeping or any other compliance requirements on small businesses. Because it is evident from the nature of the proposed amendments that they do 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 primarily applies to independent impartial hearing officers certified by the State Education Department and does not impose any additional compliance requirements or costs on such governments.

2. COMPLIANCE REQUIREMENTS:

The proposed amendment expands the pool of impartial hearing officer (IHO) applicants to hear special education due process complaints filed in New York City and clarifies certain IHO duties and responsibilities. The proposed amendment does not impose any additional compliance requirements on local governments beyond those already required pursuant to federal and State statutes and regulations.

3. PROFESSIONAL SERVICES:

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

4. COMPLIANCE COSTS:

The proposed amendment does not impose any additional costs on local governments. It is anticipated that school districts will experience cost-savings as a result of these impartial hearings being conducted in a more efficient and expeditious manner, in compliance with federal and State regulations.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

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

6. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to address the unprecedented volume of special education due process complaints in the New York City due process system by expanding the pool of IHO applicants in New York City. The proposed amendment is also necessary to clarify certain IHO duties and responsibilities. There were no significant alternatives and none were considered.

7. LOCAL GOVERNMENT PARTICIPATION:

Three public hearings will be conducted to obtain comment on the proposed rule. In addition, copies of the proposed amendment have been provided to school districts through the offices of the district superintendents of each supervisory district in the State and to 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 amendments applies to impartial hearing officers (IHOs) who conduct special education impartial hearings where the district or a parent initiates a due process complaint at any public school located in New York State, 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 amendment does not impose any additional compliance requirements or professional services requirements on entities in rural areas.

The proposed amendments would: (1) expand the pool of potential impartial hearing officer (IHO) applicants in New York City by removing the restriction that all IHO attorney candidates be licensed in New York State and by allowing for the certification of qualified non-attorney IHOs to hear complaints filed in New York City; (2) ensure that IHOs maintain

student confidentiality of students' personally identifiable information and render decisions in a format consistent with NYSED guidelines that comply with the Family Educational Rights and Privacy Act; and (3) permit IHOs to receive testimony by video conference, and to conduct hearings by video conference.

3. COMPLIANCE COSTS:

The proposed amendment does not impose any additional costs on entities in rural areas.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to address the unprecedented volume of special education due process complaints in the New York City due process system by expanding the pool of IHO applicants in New York City. The proposed amendment is also necessary to clarify certain IHO duties and responsibilities. Therefore, no alternatives were considered for those located in rural areas of the State.

5. RURAL AREA PARTICIPATION:

Three public hearings will be conducted to obtain comment on the proposed amendments. In addition, the proposed amendment was submitted for comment to school districts through the offices of the district superintendents of each supervisory district in the State including those in rural areas.

Job Impact Statement

The proposed rule expands the pool of impartial hearing officer (IHO) applicants to hear special education due process complaints filed in New York City and clarifies certain IHO duties and responsibilities. The proposed amendment will not have a substantial impact on jobs and employment opportunities. Because it is evident from the nature of the proposed amendment that it will have no impact on jobs or employment opportunities attributable to its adoption or only a positive impact, no affirmative steps were needed to ascertain these facts 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

Local Government Records Management

I.D. No. EDU-11-20-00014-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 185.5; addition of section 185.15 to Title 8 NYCRR.

Statutory authority: Education Law, section 207; Arts and Cultural Affairs Law, sections 57.9, 57.19 and 57.25

Subject: Local Government Records Management.

Purpose: To issue a new records retention and disposition schedule LGS-1.

Substance of emergency/proposed rule (Full text is posted at the following State website: <http://www.counsel.nysed.gov/rules/full-text-indices>): The Commissioner of Education proposes to amend Section 185.5 and to add section 185.15 to the Regulations of the Commissioner of Education.

The proposed amendment to section 185.5 and addition of section 185.15 of the Regulations of the Commissioner of Education provides for a new records retention and disposition schedule for use by cities, towns, villages, fire districts, counties, school districts, boards of cooperative educational services, teacher resource and computer training centers, county vocational education and extension boards, and other local governments (LGS-1). The proposed amendment would allow cities, towns, villages, and fire districts to continue to use schedule MU-1, other local governments to continue to use schedule MI-1, school districts, boards of cooperative educational services, teacher resource and computer training centers and county vocational education and extension boards to continue to use schedule ED-1, and counties to continue to use schedule CO-2 until January 1, 2021.

Additionally, the proposed amendment requires that no later than January 1, 2021 the new records retention schedule LGS-1 shall be adopted by the governing body of each affected local government. Upon adoption, schedule LGS-1 shall supersede retention and disposition schedules MU-1, MI-1, ED-1, and CO-2.

Text of proposed rule and any required statements and analyses may be obtained from: Thomas Ruller, NYS Education Department, Cultural Education Center, 222 Madison Ave, Room 9B52, Albany NY, 12230, (518) 474-5561, email: REGCOMMENTS@nysed.gov

Data, views or arguments may be submitted to: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law § 207 (not subdivided) grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

Arts and Cultural Affairs Law § 57.19 requires each local government to designate one local officer as records management officer.

Arts and Cultural Affairs Law § 57.25 authorizes the Commissioner of Education to adopt local government records retention and disposition schedules by regulation. Arts and Cultural Affairs Law § 57.29 allows for the reproduction of records by microphotography or other means and provides for the subsequent disposition of the originals.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment to section 185.5 and addition of section 185.15 of the Regulations of the Commissioner of Education is consistent with the above statutory authority as it issues a new records retention and disposition schedule for use by cities, towns, villages, fire districts, counties, school districts, boards of cooperative educational services, teacher resource and computer training centers, county vocational education and extension boards, and other local governments.

3. NEEDS AND BENEFITS:

The purpose of the proposed amendment of section 185.5 and addition of section 185.15 of the Regulations of the Commissioner of Education is to revise and update requirements for the management and oversight of local government records.

Article 57-A of the Arts and Cultural Affairs Law defines the oversight and advisory services to be provided to local governments by the Commissioner of Education for planning and administering programs for the creation, maintenance, preservation, reproduction, retention, and disposition of their records; to advise local governments on the development of micrographics systems, automated data processing systems, and other systems that rely on technology to create, store, manage, and reproduce information or records; and to advise local governments on the preservation and use of vital records and records of enduring value for historical or other research purposes.

The proposed amendment to section 185.5 of the Regulations of the Commissioner of Education provides for a new records retention and disposition schedule for use by cities, towns, villages, fire districts, counties, school districts, boards of cooperative educational services, teacher resource and computer training centers, county vocational education and extension boards, and other local governments (LGS-1). Additionally, the proposed amendment would allow cities, towns, villages, and fire districts to continue to use schedule MU-1, other local governments to continue to use schedule MI-1, school districts, boards of cooperative educational services, teacher resource and computer training centers and county vocational education and extension boards to continue to use schedule ED-1, and counties to continue to use schedule CO-2 until January 1, 2021. The proposed amendment requires that no later than January 1, 2021 the new records retention schedule LGS-1 shall be adopted by the governing body of each affected local government. Upon adoption, schedule LGS-1 shall supersede retention and disposition schedules MU-1, MI-1, ED-1, and CO-2.

4. COSTS:

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

b. Costs to local government: The amendment does not impose any costs on local government beyond those imposed by statute.

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 beyond those inherent in statute.

6. PAPERWORK:

The proposed amendment does not impose any additional paperwork requirements other than those inherent in statute.

7. DUPLICATION:

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

8. ALTERNATIVES:

Local governments in New York are currently required to comply with records management requirements of the Commissioner of Education. The proposed amendment to section 185.5 and addition of section 185.15 of the Commissioner's regulations is necessary to revise and update requirements for the management and oversight of local government records. There were no significant alternatives and none 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 June 2020 meeting. If adopted at the June 2020 meeting, the proposed amendment will become effective on June 24, 2020. The proposed regulation requires the new records retention schedule LGS-1 to be adopted by the governing body of each affected local government by January 1, 2021. It is anticipated that regulated parties will be able to comply with the proposed amendment by such date.

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

The proposed amendment relates solely to local government records management and does not impose any reporting, recordkeeping or other compliance requirements on small businesses, nor will it impose any adverse economic impact on them. Because it is evident from the nature of the proposed amendment that it will not affect small businesses, 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 was not prepared.

(b) Local Government:**EFFECT OF RULE:**

The proposed amendment will affect all local governments in New York that are subject to the records management requirements of the Commissioner of Education. The amendment proposes a new records retention and disposition schedule, Schedule LGS-1.

COMPLIANCE REQUIREMENTS:

Local governments in New York are currently required to comply with records management requirements of the Commissioner of Education. The proposed amendment to section 185.5 and addition of section 185.15 of the Regulations of the Commissioner of Education provides for a new records retention and disposition schedule for use by cities, towns, villages, fire districts, counties, school districts, boards of cooperative educational services, teacher resource and computer training centers, county vocational education and extension boards, and other local governments (LGS-1). Additionally, the proposed amendment would allow cities, towns, villages, and fire districts to continue to use schedule MU-1, other local governments to continue to use schedule MI-1, school districts, boards of cooperative educational services, teacher resource and computer training centers and county vocational education and extension boards to continue to use schedule ED-1, and counties to continue to use schedule CO-2 until January 1, 2021. The proposed amendment requires that no later than January 1, 2021 the new records retention schedule LGS-1 shall be adopted by the governing body of each affected local government. Upon adoption, schedule LGS-1 shall supersede retention and disposition schedules MU-1, MI-1, ED-1, and CO-2.

PROFESSIONAL SERVICES:

The proposed amendment proposes no additional professional services requirements on local governments other than those already required by law.

COMPLIANCE COSTS:

The proposed amendments to section 185.5 and addition of section 185.15 will not impose any compliance costs on local governments other than those inherent in statute.

ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional technological requirements on local governments. Economic feasibility is addressed under the Compliance Costs section above.

MINIMIZING ADVERSE IMPACT:

Local governments in New York are currently required to comply with records management requirements of the Commissioner of Education. The proposed amendments to section 185.5 and addition of section 185.15 of the Commissioner's regulations is necessary to revise and update requirements for the management and oversight of local government records. There were no significant alternatives and none were considered.

LOCAL GOVERNMENT PARTICIPATION:

The proposed amendments have been provided for review and approval to the Local Government Records Advisory Council, established by State law to advise the Commissioner of Education on records management matters.

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

The proposed amendment will apply to all municipalities and miscellaneous local governments in New York State, including the 44 rural counties with less than 200,000 inhabitants and the urban counties with a population density of 150 per square mile or less.

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

The proposed amendment revises and clarifies the records management requirements of the Commissioner of Education. The proposed amendment to section 185.5 and addition of section 185.15 of the Regulations of the Commissioner of Education provides for a new records retention and disposition schedule for use by cities, towns, villages, fire districts, counties, school districts, boards of cooperative educational services, teacher resource and computer training centers, county vocational education and extension boards, and other local governments (LGS-1). Additionally, the proposed amendment would allow cities, towns, villages, and fire districts to continue to use schedule MU-1, other local governments to continue to use schedule MI-1, school districts, boards of cooperative educational services, teacher resource and computer training centers and county vocational education and extension boards to continue to use schedule ED-1, and counties to continue to use schedule CO-2 until January 1, 2021. The proposed amendment requires that no later than January 1, 2021 the new records retention schedule LGS-1 shall be adopted by the governing body of each affected local government. Upon adoption, schedule LGS-1 shall supersede retention and disposition schedules MU-1, MI-1, ED-1, and CO-2. The proposed amendment proposes no additional professional services requirements on local governments, other than those already required by law.

COMPLIANCE COSTS:

The proposed amendments to section 185.5 and addition of section 185.15 of the Commissioner's regulations will require the adoption of a new records retention and disposition schedule, Schedule LGS-1, but will not impose any compliance costs on local governments other than those inherent in statute.

MINIMIZING ADVERSE IMPACT:

The proposed amendment will have no adverse impact on municipalities and miscellaneous local governments in rural areas or elsewhere in New York State. Local governments in New York are currently required to comply with records management requirements of the Commissioner of Education. The proposed amendments to section 185.5 and addition of section 185.15 of the Commissioner's regulations are necessary to revise and update requirements for the management and oversight of local government records. Therefore, no alternatives were considered for those located in rural areas of the State.

RURAL AREA PARTICIPATION:

The proposed amendment has been provided for review and approval to the Local Government Records Advisory Council, established by State law to advise the Commissioner of Education on records management matters, and which includes members from rural areas.

Job Impact Statement

The proposed amendment relates solely to local government records management and will not have an adverse impact on jobs or employment opportunities. Because it is evident from the nature of the proposed amendment that it will have no impact on jobs or employment opportunities, no further measures 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

Eligibility Requirements for Loan Forgiveness and Grant Programs

I.D. No. EDU-11-20-00016-P

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

Proposed Action: Amendment of sections 145-6.2, 145-6.5 and 145-6.6 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 210, 215, 602, 605, 605-a, 661, 6454, 6455; L. 2019, ch. 26; L. 2019, ch. 56, part D

Subject: Eligibility Requirements for Loan Forgiveness and Grant Programs.

Purpose: Conforms Commissioner's regulations to the DREAM Act relating to student's eligibility for loan forgiveness and grant programs.

Text of proposed rule: 1. Subdivision (a) of section 145-6.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Eligibility. Residents of New York State, or students who meet the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision five of section 661 of the Education Law, as applicable, who are licensed to practice medicine, and who have completed a professional residency program within the time specified by Education Law section 605(9)(a)(2), or are within two years of

completion of an accredited residency program in a primary care specialty designated in short supply by the Board of Regents, and who agree to practice medicine in an area of shortage of physicians, shall be eligible for an award pursuant to this section and subdivision (9) of section 605 of the Education Law.

2. Subdivision (a) of section 145-6.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) As used in the definition of eligible students set forth in Education Law, section 6454(b), minorities historically underrepresented in the scientific, technical, health and health-related professions shall include residents of New York State or [permanent resident aliens residing in New York State] *students who meet the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision five of section 661 of the Education Law, as applicable*, who are black, Hispanic, American Indian or Alaskan native.

3. Paragraph (1) of subdivision (b) of section 145-6.6 of the Regulations of the Commissioner of Education is amended to read as follows:

(1) minorities historically underrepresented in the scientific, technical, health and health-related professions means residents of New York State or [permanent resident aliens residing in New York State] *students who meet the requirements of subparagraph (ii) of paragraph (a) of subdivision 2 of section 6455 of the Education Law* who are Black, Hispanic, American Indian or Alaskan native;

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: Petra Maxwell, NYS Education Department, Office of Higher Education, 89 Washington Avenue, Room 975 EBA, Albany, NY 12234, (518) 474-2238, email: OHEREGComments@nysed.gov

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law § 207 (not subdivided) grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

Education Law § 210 (not subdivided) authorizes the Regents to register domestic and foreign institutions in terms of New York standards.

Education Law § 215 authorizes the Regents and/or the Commissioner to visit, examine and inspect any institution in the university and any school or institution under the educational supervision of the state.

Education Law § 602 provides for the duties of the Commissioner in the selection and certification of academic performance award recipients.

Education Law § 605(9) provides for the Regents physician loan forgiveness program.

Education Law § 605-a provides for scholarships for academic excellence for students completing their high school programs for attendance in approved programs.

Education Law § 661 establishes the eligibility requirement and conditions governing awards and loans under the New York State Higher Education Services Corporation (HESC).

Education Law § 665 requires that the HESC annual award of student financial to each recipient shall be paid in separate installments on a prorated basis, for each semester, quarter, or other term of attendance during the academic year.

Education Law § 6454 provides for the science and technology entry program.

Education Law § 6455 provides for the collegiate science and technology entry program.

Chapter 26 of the Laws of 2019 as amended by Part D of Chapter 56 of the Laws of 2019 amends eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; financial aid opportunities for SUNY and CUNY students and community colleges; and the program requirements for the NYS college choice tuition savings program.

2. LEGISLATIVE OBJECTIVES:

Consistent with the above statutory authority the Department is proposing to amend certain sections of Part 145 of the Commissioner's regulations to clarify the eligibility language to ensure that students made eligible under the DREAM Act may apply for applicable grant and loan forgiveness programs.

Section 145-6.2, the Regents Physician Loan Forgiveness Program, provides grants to licensed physicians in New York State who have either completed a professional residency program within the time specified by Education Law section 605(9)(a)(2), or are within two years of comple-

tion of an accredited residency program in a primary care specialty designated in short supply, and who agree to practice medicine in an area of shortage of physicians. The Department proposes to amend this section to conform the eligibility requirements to the provisions of the DREAM Act.

The Department is also proposing to amend sections 145-6.5 and 145-6.6 in order to conform the student eligibility requirements to the DREAM Act for both the Science and Technology Entry Program (STEP) and Collegiate Science and Technology Entry Program (CSTEP). STEP and CSTEP are designed to increase the participation rate of underrepresented and economically disadvantaged students in mathematics, science, technology, health-related fields, and the licensed professions.

3. NEEDS AND BENEFITS:

The Senator José Peralta New York State (NYS) DREAM Act (Chapter 26 of the Laws of 2019), passed on April 12, 2019 and amended by Part D of chapter 56 of the Laws of 2019 (hereinafter, the "DREAM Act"), gives undocumented and other students access to New York State-aided programs, scholarships and other financial assistance that support higher education costs. The DREAM Act provides access to the Excelsior Scholarship, Tuition Assistance Program (TAP), Arthur O. Eve Higher Education Opportunity Program (HEOP), as well as other State-aided programs, scholarships, and grants that were not previously available to the applicable students.

The DREAM Act now permits any student to submit an application for undergraduate and graduate awards who is not a legal resident of the State, but is a United States citizen, a permanent lawful resident, an individual who is granted a U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status, if such applicant:

- attended a registered NYS high school for two or more years, graduated from a registered NYS high school and applied for attendance at the institution of higher education within five years of receiving a NYS high school diploma where an award for undergraduate study is sought or within 10 years of receiving a NYS high school diploma where an award for graduate study is sought; or
- attended an approved NYS program for a State high school equivalency diploma, received a State high school equivalency diploma and applied for attendance at the institution of higher education within five years of receiving a NYS high school equivalency diploma where an award for undergraduate study is sought or within 10 years of receiving a NYS high school equivalency diploma where an award for graduate study is sought; or
- did not attend or graduate from a NYS high school or did not receive a NYS high school equivalency diploma but is eligible for the NYS resident-in-State tuition rate at a SUNY or CUNY college.

The Department is proposing to amend certain sections of Part 145 of the Commissioner's regulations to clarify the eligibility language to ensure that students made eligible under the DREAM Act may apply for applicable grant and loan forgiveness programs.

Section 145-6.2, the Regents Physician Loan Forgiveness Program, provides grants to licensed physicians in New York State who have either completed a professional residency program within the time specified by Education Law section 605(9)(a)(2), or are within two years of completion of an accredited residency program in a primary care specialty designated in short supply, and who agree to practice medicine in an area of shortage of physicians. The Department proposes to amend this section to conform the eligibility requirements to the provisions of the DREAM Act.

The Department is also proposing to amend sections 145-6.5 and 145-6.6 in order to conform the student eligibility requirements to the DREAM Act for both the Science and Technology Entry Program (STEP) and Collegiate Science and Technology Entry Program (CSTEP). STEP and CSTEP are designed to increase the participation rate of underrepresented and economically disadvantaged students in mathematics, science, technology, health-related fields, and the licensed professions.

4. COSTS:

- a. Costs to State government: The amendment does not impose any costs on State government, including the State Education Department, beyond those inherent in statute.
- 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 amendments to sections 145-6.2, 145-6.5 and 145-6.6 of the Commissioner's regulations are necessary to implement the DREAM Act. The proposed amendments clarify eligibility language for the Regents Physician Loan Forgiveness Program, STEP, and CSTEP to ensure that students made eligible under the DREAM Act may apply for such grants and programs. There were no significant alternatives and none 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 July 2020 meeting. If adopted at the July 2020 meeting, the proposed amendment will become effective on July 29, 2020.

Regulatory Flexibility Analysis

The purpose of the proposed amendment to Sections 145-6.2, 145-6.5, and 145-6.6 of the Regulations of the Commissioner of Education relating to the eligibility requirements for loan forgiveness and grant programs pursuant to the Senator José Peralta New York State (NYS) DREAM Act (Chapter 26 of the Laws of 2019), passed on April 12, 2019 and amended by part D of chapter 56 of the Laws of 2019 (hereinafter, the "DREAM Act"), is to give undocumented and other students access to New York State128;aided programs, scholarships and other financial assistance that support higher education costs. The DREAM Act provides access to the Excelsior Scholarship, Tuition Assistance Program (TAP), Arthur O. Eve Higher Education Opportunity Program (HEOP), as well as other State-aided programs, scholarships, and grants that were not previously available to the applicable students. The DREAM Act now permits any student to submit an application for undergraduate and graduate awards who is not a legal resident of the State, but is a United States citizen, a permanent lawful resident, an individual who is granted a U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status, provided such applicant:

- attended a registered NYS high school for two or more years, graduated from a registered NYS high school and applied for attendance at the institution of higher education within five years of receiving a NYS high school diploma where an award for undergraduate study is sought or within 10 years of receiving a NYS high school diploma where an award for graduate study is sought; or
- attended an approved NYS program for a State high school equivalency diploma, received a State high school equivalency diploma and applied for attendance at the institution of higher education within five years of receiving a NYS high school equivalency diploma where an award for undergraduate study is sought or within 10 years of receiving a NYS high school equivalency diploma where an award for graduate study is sought; or
- did not attend or graduate from a NYS high school or did not receive a NYS high school equivalency diploma but is eligible for the NYS resident in-State tuition rate at a SUNY or CUNY college.

The Department is proposing to amend certain sections of Part 145 of the Commissioner's regulations to clarify the eligibility language to ensure that students made eligible under the DREAM Act may apply for applicable grant and loan forgiveness programs.

Section 145-6.2, the Regents Physician Loan Forgiveness Program, provides grants to licensed physicians in New York State who have either completed a professional residency program within the time specified by Education Law section 605(9)(a)(2), or are within two years of completion of an accredited residency program in a primary care specialty designated in short supply, and who agree to practice medicine in an area of shortage of physicians. The Department proposes to amend this section to conform the eligibility requirements to the provisions of the DREAM Act.

The Department is also proposing to amend sections 145-6.5 and 145-6.6 in order to conform the student eligibility requirements to the DREAM Act for both the Science and Technology Entry Program (STEP) and Col-

legiate Science and Technology Entry Program (CSTEP). STEP and CSTEP are designed to increase the participation rate of underrepresented and economically disadvantaged students in mathematics, science, technology, health-related fields, and the licensed professions.

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 do 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:

This proposed amendment applies to all students who meet the eligibility criteria outlined in the Senator Jose Peralta New York State DREAM Act, including those currently 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 to sections 145-6.2, 145-6.5, and 145-6.6 of the Regulations of the Commissioner of Education relating to the eligibility requirements for loan forgiveness and grant programs pursuant to the Senator José Peralta New York State (NYS) DREAM Act (Chapter 26 of the Laws of 2019), passed on April 12, 2019 and amended by part D of chapter 56 of the Laws of 2019 (hereinafter, the "DREAM Act"), is to give undocumented and other students access to New York State128;aided programs, scholarships and other financial assistance that support higher education costs. The DREAM Act provides access to the Excelsior Scholarship, Tuition Assistance Program (TAP), Arthur O. Eve Higher Education Opportunity Program (HEOP), as well as other State-aided programs, scholarships, and grants that were not previously available to the applicable students. The DREAM Act now permits any student to submit an application for undergraduate and graduate awards who is not a legal resident of the State, but is a United States citizen, a permanent lawful resident, an individual who is granted a U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status, provided such applicant:

- attended a registered NYS high school for two or more years, graduated from a registered NYS high school and applied for attendance at the institution of higher education within five years of receiving a NYS high school diploma where an award for undergraduate study is sought or within 10 years of receiving a NYS high school diploma where an award for graduate study is sought; or
- attended an approved NYS program for a State high school equivalency diploma, received a State high school equivalency diploma and applied for attendance at the institution of higher education within five years of receiving a NYS high school equivalency diploma where an award for undergraduate study is sought or within 10 years of receiving a NYS high school equivalency diploma where an award for graduate study is sought; or
- did not attend or graduate from a NYS high school or did not receive a NYS high school equivalency diploma but is eligible for the NYS resident in-State tuition rate at a SUNY or CUNY college.

The Department is proposing to amend certain sections of Part 145 of the Commissioner's regulations to clarify the eligibility language to ensure that students made eligible under the DREAM Act may apply for applicable grant and loan forgiveness programs.

Section 145-6.2, the Regents Physician Loan Forgiveness Program, provides grants to licensed physicians in New York State who have either completed a professional residency program within the time specified by Education Law section 605(9)(a)(2), or are within two years of completion of an accredited residency program in a primary care specialty designated in short supply, and who agree to practice medicine in an area of shortage of physicians. The Department proposes to amend this section to conform the eligibility requirements to the provisions of the DREAM Act.

The Department is also proposing to amend sections 145-6.5 and 145-6.6 in order to conform the student eligibility requirements to the DREAM Act for both the Science and Technology Entry Program (STEP) and Collegiate Science and Technology Entry Program (CSTEP). STEP and CSTEP are designed to increase the participation rate of underrepresented and economically disadvantaged students in mathematics, science, technology, health-related fields, and the licensed professions.

3. COSTS:

The proposed amendments do not impose any additional costs on entities in rural areas.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendments to sections 145-6.2, 145-6.5 and 145-6.6 of the Commissioner's regulations are necessary to implement the DREAM Act. The proposed amendments clarify eligibility language for the Regents Physician Loan Forgiveness Program, STEP, and CSTEP to ensure that students made eligible under the DREAM Act may apply for such grants and programs. Therefore, no alternatives were considered for those located in rural areas of the State.

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 purpose of the proposed amendment to Sections 145-6.2, 145-6.5, and 145-6.6 of the Regulations of the Commissioner of Education relating to the eligibility requirements for loan forgiveness and grant programs pursuant to the Senator José Peralta New York State (NYS) DREAM Act (Chapter 26 of the Laws of 2019), passed on April 12, 2019 and amended by part D of chapter 56 of the Laws of 2019 (hereinafter, the "DREAM Act"), is to give undocumented and other students access to New York State128;aided programs, scholarships and other financial assistance that support higher education costs. The DREAM Act provides access to the Excelsior Scholarship, Tuition Assistance Program (TAP), Arthur O. Eve Higher Education Opportunity Program (HEOP), as well as other State-aided programs, scholarships, and grants that were not previously available to the applicable students. The DREAM Act now permits any student to submit an application for undergraduate and graduate awards who is not a legal resident of the State, but is a United States citizen, a permanent lawful resident, an individual who is granted a U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status, provided such applicant:

- attended a registered NYS high school for two or more years, graduated from a registered NYS high school and applied for attendance at the institution of higher education within five years of receiving a NYS high school diploma where an award for undergraduate study is sought or within 10 years of receiving a NYS high school diploma where an award for graduate study is sought; or
- attended an approved NYS program for a State high school equivalency diploma, received a State high school equivalency diploma and applied for attendance at the institution of higher education within five years of receiving a NYS high school equivalency diploma where an award for undergraduate study is sought or within 10 years of receiving a NYS high school equivalency diploma where an award for graduate study is sought; or
- did not attend or graduate from a NYS high school or did not receive a NYS high school equivalency diploma but is eligible for the NYS resident in-State tuition rate at a SUNY or CUNY college.

The Department is proposing to amend certain sections of Part 145 of the Commissioner's regulations to clarify the eligibility language to ensure that students made eligible under the DREAM Act may apply for applicable grant and loan forgiveness programs.

Section 145-6.2, the Regents Physician Loan Forgiveness Program, provides grants to licensed physicians in New York State who have either completed a professional residency program within the time specified by Education Law section 605(9)(a)(2), or are within two years of completion of an accredited residency program in a primary care specialty designated in short supply, and who agree to practice medicine in an area of shortage of physicians. The Department proposes to amend this section to conform the eligibility requirements to the provisions of the DREAM Act.

The Department is also proposing to amend sections 145-6.5 and 145-6.6 in order to conform the student eligibility requirements to the DREAM Act for both the Science and Technology Entry Program (STEP) and Collegiate Science and Technology Entry Program (CSTEP). STEP and CSTEP are designed to increase the participation rate of underrepresented and economically disadvantaged students in mathematics, science, technology, health-related fields, and the licensed professions.

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.

Department of Environmental Conservation

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Management of Sharks, Squid and Atlantic Cod

I.D. No. ENV-11-20-00004-EP

Filing No. 157

Filing Date: 2020-03-03

Effective Date: 2020-03-03

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

Proposed Action: Amendment of Part 40 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 13-0105, 13-0338 and 13-0339-a

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

Specific reasons underlying the finding of necessity: This emergency rule making is necessary for preservation of the general welfare. Failure to adopt this rule on an emergency basis will result in population declines to critical fishery stocks and/or result in the closure of New York State's shark, squid, and Atlantic Cod fisheries by the federal government due to New York State's failure to comply with mandatory Interstate Fishery Management Plans (FMPs).

Environmental Conservation Law § 13-0105 directs that it shall be "the policy of the state that the primary principle in managing the state's marine fishery resource is to maintain the long-term health and abundance of marine fisheries resources and their habitats, and to ensure that [fisheries] are sustained in usable abundance and diversity for future generations." To achieve the stated goal, the Legislature further directed that "the management of the state's transboundary and migratory species shall be consistent with [all] interjurisdictional management plans, interstate or state-federal."

The Department of Environmental Conservation (DEC) is revising the minimum size limits for shortfin mako shark to remain in compliance with the Atlantic States Marine Fisheries Commissions (ASMFC) and federal requirements. Federal requirements were amended at ASMFC's spring meeting in 2019 in response to the 2017 Atlantic shortfin mako stock assessment which found shortfin mako are overfished and experiencing overfishing. The International Commission for the Conservation of Atlantic Tunas determined that all member countries need to reduce current shortfin mako landings by approximately 72-79 percent to prevent further declines in the population.

The rule will prohibit the commercial and recreational possession of blacknose sharks to remain in compliance with the FMP for Atlantic Coastal Sharks. Retention of blacknose sharks in the Mid-Atlantic and Northeast is prohibited because the population status in the Atlantic is unknown. The International Union for Conservation of Nature (IUCN) has placed the species on its "Red List," classified as "near threatened."

The rule clarifies that the recreational minimum size limit for sharks is measured by fork length to remain in compliance with the FMP for Atlantic Coastal Sharks. For most other fish, recreational minimum size limits are measured by total length.

The rule permits DEC to set commercial trip and possession limits for Illex and longfin squid by directive. The purpose of this change is to prevent overfishing in New York State waters while maintaining reasonable access for state licensed harvesters during federal fishery closures and/or possession limit changes.

The rule will maintain consistency with federal harvest and possession limits for Atlantic cod. Under current regulations, New York State harvesters are at an economic disadvantage to fishermen from neighboring states and in federal waters that can harvest Atlantic cod at a smaller size limit than currently allowed in New York State.

This rule will also adjust commercial and recreational possession limits to prevent overharvest of Atlantic cod.

The immediate adoption of this amendment is necessary because the normal rule making process will not promulgate these regulations by January 1, 2020 as required by ASMFC's FMP for Atlantic Coastal Sharks. Failure to immediately adopt these measures may result in ASMFC finding New York State out of compliance with the applicable FMP. New York State must remain in compliance with FMPs to avoid the closure of New

York State's Atlantic coastal sharks fishery by the federal government and to help protect the status of vulnerable fisheries.

Subject: Management of sharks, squid and Atlantic cod.

Purpose: To revise regulations concerning size, trip, and possession limits for sharks, squid and Atlantic cod.

Text of emergency/proposed rule:

Table A in existing subdivision 40.1(f) is amended to read as follows: Striped bass (except the Hudson River north of the George Washington Bridge) through Haddock remain the same.

Atlantic cod## is amended to read as follows:

40.1(f) "Table A – Recreational Fishing"

Species	Open Season	Minimum Length	Possession Limit
Atlantic [cod##] cod	All year	[22"] 21" TL	[10##] 10

Footnote ## is repealed.

Table B in existing subdivision 40.1(i) is amended to read as follows:

Striped bass (the area east of a line drawn due north from the mouth of Wading River Creek and east of a line at 73 degrees 46 minutes west longitude, which is near the terminus of East Rockaway Inlet) through Haddock remain the same.

Species Atlantic cod is amended to read as follows:

40.1(i) Table B – Commercial Fishing

Species	Open Season	Minimum Length	Trip limit
Atlantic cod	All year	[22"] 19" TL	[no limit] 50 pounds

A new subdivision 40.1(z) shall be added to read as follows:

(z) 'Illex and Longfin squid commercial fishing – special regulations.'

(1) It is unlawful for any person to take or land 'Illex' or Longfin Squid for commercial purposes without having in possession a valid New York State commercial food fish license.

(2) Quota and harvest trip limits.

(i) Following consultation with industry and taking into consideration the current federal trip limit, the department may establish trip limits to prevent excessive harvest in New York State waters.

(ii) When the department determines, based on a projection of landings, that trip limit changes are necessary, such trip limits shall be enforceable upon 72 hours written notice to license holders referenced in paragraph (1) of this subdivision.

Existing paragraph 40.7(b)(4) is amended to read as follows:

(4) 'Fork Length (FL)' means that length measured in a straight line from the tip of the nose snout of the shark to the end of the middle caudal fin to the center of the fork of the tail of the shark.

Existing paragraph 40.7(c)(1) is amended to read as follows:

(1) It shall be unlawful for any recreational angler to take, or to possess on the waters of the marine and coastal district, as defined in ECL section 13-0103, or the shores thereof, or anywhere inland from such shores, any shark species other than the following: Atlantic sharpnose ('Rhizoprionodon terraenovae'); blacknose ('Carcharhinus acronotus'); blacktip ('Carcharhinus limbatus'); blue ('Prionace glauca'); bonnethead ('Sphyrna tiburo'); bull ('Carcharhinus leucas'); common thresher ('Alopias vulpinus'); finetooth ('Carcharhinus isodon'); great hammerhead ('Sphyrna mokarran'); scalloped hammerhead ('Sphyrna lewini'); smooth hammerhead ('Sphyrna zygaena'); lemon ('Negaprion brevirostris'); nurse ('Ginglymostoma cirratum'); oceanic whitetip ('Carcharhinus longimanus'); porbeagle ('Lamna nasus'); shortfin mako ('Isurus oxyrinchus'); smooth dogfish ('Mustelus canis'); spiny dogfish ('Squalus acanthias'); spinner ('Carcharhinus brevipinna'); and tiger ('Galeocerdo cuvier').

Existing subparagraph 40.7(c)(2)(i) is amended to read as follows:

(i) There is no minimum size limit for the following shark species: Atlantic sharpnose, [blacknose,] bonnethead, finetooth, smoothhound (smooth dogfish), and spiny dogfish.

Existing subparagraph 40.7(c)(2)(ii) is amended to read as follows:

(ii) The minimum size for the following shark species is 54 inches FL: blacktip, blue, bull, lemon, nurse, oceanic whitetip, porbeagle, [shortfin mako,] spinner, thresher, and tiger.

Existing subparagraph 40.7(c)(2)(iii) is amended to read as follows:

(iii) The minimum size limit for the following shark species is 78 inches FL: great hammerhead, scalloped hammerhead, and smooth hammerhead.

A new subparagraph 40.7(c)(2)(iv) is added to read as follows:

(iv) The minimum size limit for shortfin mako is 71 inches FL for males and 83 inches FL for females.

Existing subparagraph 40.7(d)(4)(i) is amended to read as follows:

(i) Prohibited species: Atlantic angel ('Squatina dumeril'); basking shark ('Cetorhinus maximus'); bigeye sand tiger shark ('Odontaspis noronhai'); bigeye thresher shark ('Alopias superciliosus'); bignose shark ('Carcharhinus altimus'); blacknose shark ('Carcharhinus acronotus'); [Caribbean] Caribbean sharpnose shark ('Rhizoprionodon porosus'); dusky shark ('Carcharhinus obscurus'); Galapagos shark ('Carcharhinus galapagensis'); longfin mako shark ('Isurus paucus'); narrowtooth shark ('Carcharhinus brachyurus'); night shark ('Carcharhinus signatus'); reef shark ('Carcharhinus perezi'); sand tiger shark ('Carcharias taurus'); sharpnose sevengill shark ([Heptachias] 'Heptanchias perlo'); bigeye sixgill shark ('Hexanchus nakamurai'); bluntnose sixgill shark ('Hexanchus griseus'); smalltail shark ('Carcharhinus porosus'); whale shark ('Rhincodon typus'); white shark ('Carcharodon carcharias');

Existing subparagraph 40.7(d)(4)(v) is repealed.

Existing subparagraphs 40.7(d)(4)(vi) through 40.7(d)(4)(viii) are re-numbered to 40.7(d)(4)(v) through 40.7(d)(4)(vii).

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 May 31, 2020.

Text of rule and any required statements and analyses may be obtained from: Gina Fanelli, Department of Environmental Conservation, 205 N. Belle Mead Rd., Suite 1, East Setauket, NY 11733, (631) 444-0482, email: gina.fanelli@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: The Department has determined that the Notice of Emergency Adoption is a Type II action and no further review is required pursuant to Article 8 of the ECL, the State Environmental Quality Review Act. The Department has determined that the Notice of Proposed Rule Making is an unlisted action pursuant to Article 8 of the ECL, and a Short Environmental Assessment Form and negative declaration have been prepared and are on file. A Coastal Assessment Form is also on file.

Regulatory Impact Statement

1. Statutory authority:

Environmental Conservation Law (ECL) § 13-0105 directs that it shall be "the policy of the state that the primary principle in managing the state's marine fishery resource is to maintain the long-term health and abundance of marine fisheries resources and their habitats, and to ensure that [fisheries] are sustained in usable abundance and diversity for future generations." To achieve the stated goal, the legislature further directed that "the management of the state's transboundary and migratory species shall be consistent with [all] interjurisdictional management plans, interstate or state-federal." These proposed amendments will ensure that New York maintains compliance and consistency with requirements of the Atlantic States Marine Fisheries Commission (ASMFC), the Mid-Atlantic Fishery Management Council (MAMFC), and NOAA Fisheries.

ECL Sections 13-0338 and 13-0339-a authorize DEC to adopt regulations for the management of sharks, squid and cod including size limits, catch and possession limits, open and closed seasons, and other relevant management measures.

2. Legislative objectives:

DEC regulates the utilization and allocation of available resources to maintain healthy stocks and habitats. In doing so, DEC optimizes resource use to provide valuable recreational experiences and viable business opportunities while remaining compliant with marine fisheries conservation and management policies including interstate fishery management plans (FMPs).

3. Needs and benefits:

These amendments must be adopted on an emergency basis to ensure that New York State maintains compliance with the requirements of the Atlantic States Marine Fisheries Commission (ASMFC), the Mid-Atlantic Fishery Management Council (MAMFC), and NOAA Fisheries. Failure to maintain compliance with federal requirements may result in the closure of New York State's fisheries for sharks, squid, and Atlantic cod. This emergency rule is also critical to prevent additional population declines in fishery stocks for these species.

This new rule specifies the recreational minimum size for shark harvest is measured in fork length ("FL"), and not total length ("TL"), and will bring New York into compliance with the Atlantic Coastal Shark Interstate FMP.

The rule prohibits the commercial and recreational possession of blacknose sharks which will bring New York into compliance with the Atlantic Coastal Shark Interstate FMP, preventing further overfishing in an effort to rebuild the depleted stock.

The rule will increase the recreational minimum size limit for shortfin mako sharks and implement separate size limits for male and female sharks to meet ASMFC requirements. The current minimum size limit for shortfin makos is 54 inches TL for both sexes. This rulemaking will set new minimum size limits by sex: 71 inches FL for males and 83 inches FL for females. The larger size limit for females is necessary because they mature at a larger size compared to males. This rule will bring New York into compliance with the Atlantic Coastal Shark Interstate FMP.

The new rule provides that commercial trip and possession limits for 'Illex' and longfin squid will be established by directives from the Department. The purpose of this change is to prevent overfishing in New York State waters while maintaining reasonable access for state licensed harvesters during federal fishery closures and/or possession limit changes.

The rule establishes a commercial possession limit for Atlantic cod for state-only permit holders at 50 pounds per day to remain in compliance with the applicable FMP and avoid fishery closure.

The rule decreases the commercial size limit for Atlantic cod from 22 inches to 19 inches. This will make the size limit for Atlantic cod in New York State consistent with neighboring states and federal waters.

The rule decreases the recreational minimum size for Atlantic cod from 22 inches to 21 inches to maintain consistency with federal size limits. The rule also extends the current 10 fish possession limit to recreational anglers on party and charter boats in order to comply with Federal rules.

4. Costs:

There are no costs to state and local governments. This rule will not impose direct costs on recreational or commercial fishermen in order to achieve compliance. There may be some reduced income for squid and Atlantic cod permit holders due to decreases in landings if trip limits are eventually decreased, but this would only be done to prevent overharvesting and the eventual collapse of the fishery. The decrease in the minimum size limit for Atlantic cod from 22 to 19 inches will be beneficial to Food Fish License holders since they will be able to keep cod harvested between 19 and 22 inches. A decrease in the Atlantic cod recreational minimum size will increase opportunities to land fish for some anglers. The implementation of the federally required possession limit of ten Atlantic cod for all recreational anglers may reduce revenue for some party and charter boat operators by making the trip less attractive to potential fares.

5. Local government mandates:

None.

6. Paperwork:

None.

7. Duplication:

The amendment does not duplicate any State or Federal requirement.

8. Alternatives:

The "No Action" alternative was considered for the following components of this rule making: shark size limit measurement (fork length), blacknose shark fishery closure, size limit for shortfin mako shark, and Atlantic cod possession limit for recreational anglers on party and charter boats. DEC rejected this alternative for each of these components because "no action" would place New York State out of compliance with federal rules. Failure to comply with federal fishery rules may result in the federal closure of New York State's noncompliant fisheries.

Squid trip limit adjustment: "No action" - The "no action" alternative would allow the unregulated commercial harvest of squid in state waters. This option was rejected to ensure that state permit holders do not overharvest squid in New York State waters.

Atlantic cod commercial trip limit adjustment: "No action" - The "no action" alternative would allow the unregulated commercial harvest of Atlantic cod in state waters. This option was rejected to ensure that state permit holders do not overharvest Atlantic cod resources in New York State waters.

Atlantic cod commercial size limit: "No action" - The "no action" alternative would keep the commercial size limit of 22 inches. This option was rejected because it would place New York commercial permit holders at a disadvantage compared to harvesters in neighboring states where the size limit is 19 inches.

Atlantic cod recreational size limit: "No action" - The "no action" alternative would leave the recreational minimum size limit at 22 inches. This option was rejected because it would place New York anglers at a disadvantage compared to anglers in neighboring states where the size limit is 21 inches.

9. Federal standards:

The amendment is in compliance with all applicable federal standards including recently adopted amendments to the applicable Interstate FMPs.

10. Compliance schedule:

These regulations are being adopted by emergency rule making and therefore will take effect immediately upon filing with Department of State. Regulated parties will be notified of the changes to the regulations through publication in the State Register, appropriate press releases, and through DEC's website.

Regulatory Flexibility Analysis

1. Effect of rule:

The rule amends management strategies for sharks, squid, and Atlantic cod. These amendments will ensure that New York maintains compliance and consistency with requirements of the Atlantic States Marine Fisheries Commission (ASMFC), the Mid-Atlantic Fishery Management Council (MAMFC), and NOAA Fisheries. Commercial harvesters, marinas, seafood dealers, party and charter boat operators, and other related businesses are, in many cases, small businesses, owned and often operated by a single owner. The commercial fishing industry is mostly self-employed. This rule may impact opportunities for businesses related to the commercial harvest of shark, squid, and Atlantic cod.

The proposed regulations do not apply directly to local governments and will not have any direct effects on local governments.

2. Compliance requirements:

There are no new reporting or record keeping requirements associated with the proposed regulation.

3. Professional services:

None.

4. Compliance costs:

The rule making will not impose compliance costs to local governments. There are no initial capital costs that will be incurred by regulated business or industry to comply with the proposed rule.

5. Economic and technological feasibility:

The regulations do not require any expenditure on the part of affected businesses or local governments in order to comply with the changes. There is no additional technology required for small businesses or local governments.

6. Minimizing adverse impact:

The regulations do not apply directly to local governments and will not have any direct effects on local governments.

The regulations have been designed to minimize adverse economic impacts on small businesses. The changes to shark, squid, and Atlantic cod were designed to be the most permissive allowed while still fully complying with new federal rules. If New York State does not adopt these regulations, the Secretary of Commerce may order the closure of New York State's fisheries for shark, squid and Atlantic cod. The decrease in the minimum size limit for cod is beneficial to food fish permit holders since they will be able to keep cod harvested between 19 and 22 inches, which they currently must return to the water. The decrease in the Atlantic cod recreational minimum size will likely increase opportunities to land fish for some anglers.

7. Small business and local government participation:

New York harvesters will have the opportunity to discuss and comment on the regulatory change at Marine Resources Advisory Council ("MRAC") meetings. There was no special effort to contact local governments because the rule does not affect them.

8. For rules that either establish or modify a violation or penalties associated with a violation:

Pursuant to SAPA 202-b(1-a)(b), no cure period is included in the rule because of the potential adverse impact on the resource. Cure periods for the illegal taking of fish or wildlife are neither desirable nor recommended. Immediate compliance is required to ensure the general welfare of the public and the resource is protected.

9. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462:

DEC will conduct an initial review of the proposed rule within three years, as required by SAPA § 207.

Rural Area Flexibility Analysis

The Department has determined that this rule will not impose an adverse impact on rural areas. This rule making only affects the marine and coastal district of the State; there are no rural areas within the marine and coastal district. The shark, squid, and Atlantic cod fisheries are entirely located within the marine and coastal district and are not located adjacent to any rural areas of the State. The rule will not impose any reporting, record keeping, or other compliance requirements on public or private entities in rural areas. Since no rural areas will be affected by the proposed amendments of 6 NYCRR Part 40, the Department has determined that a Rural Area Flexibility Analysis is not required.

Job Impact Statement

1. Nature of impact:

The amendments will revise current management strategies for sharks, squid, and Atlantic cod. The amendments are expected to have a negligible impact on jobs or employment opportunities.

2. Categories and numbers affected:

The amendments will impact commercial fishermen who hold a commercial Food Fish permit. In 2018, DEC issued 949 commercial Food Fish permits.

3. Regions of adverse impact:

The commercial shark, squid, and Atlantic cod fisheries are located entirely within New York State's Marine and Coastal District. The rule is expected to have a negligible impact on jobs.

4. Minimizing adverse impact:

The regulations have been designed to minimize adverse economic impacts on existing jobs. The changes to shark, squid, and Atlantic cod were designed to be the most permissive allowed while still fully complying with new federal rules. If New York State does not adopt these regulations, the Secretary of Commerce may order the closure of New York State's fisheries for shark, squid and Atlantic cod. The decrease in the minimum size limit for cod is beneficial to food fish permit holders since they will be able to keep cod harvested between 19 and 22 inches, which they currently must return to the water.

5. Self-employment opportunities:

None.

6. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462:

DEC will conduct an initial review of the rule within three years, as required by SAPA section 207.

NOTICE OF ADOPTION

Waste Fuel

I.D. No. ENV-36-19-00001-A

Filing No. 156

Filing Date: 2020-03-03

Effective Date: 30 days after filing

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

Action taken: Amendment of Part 200; repeal of Subpart 225-2; addition of new Subpart 225-2 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0311, 71-2103 and 71-2105

Subject: Waste Fuel.

Purpose: Update permit references, rule citations, monitoring, recordkeeping, reporting requirements, and incorporate Federal standards.

Text or summary was published in the September 4, 2019 issue of the Register, I.D. No. ENV-36-19-00001-P.

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

Text of rule and any required statements and analyses may be obtained from: Mike Jennings, NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3254, (518) 402-8403, email: air.regs@dec.ny.gov

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

Summary of Revised Regulatory Impact Statement

INTRODUCTION

Proposed 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel (Proposed Subpart 225-2) regulates the use of waste oil to be burned for heat and/or energy recovery at non-exempt, stationary sources. The Department is proposing to repeal existing 6 NYCRR Part 225-2 Fuel Composition and Use - Waste Fuel (Existing Subpart 225-2) and replace it with Proposed 6 NYCRR Subpart 225-2. Proposed Subpart 225-2 regulates the burning of waste oils in combustion, incineration, and process sources throughout New York State (NYS). Proposed Subpart 225-2 establishes applicability criteria, composition limits, and permitting requirements for waste oils; establishes monitoring, recordkeeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities. Also, as part of this rulemaking, the Department is adding the definition for "residual oil" to 6 NYCRR Part 200 (Part 200). If finalized, Proposed Subpart 225-2 will be included as a component of the State Implementation Plan for NYS, as required by the Clean Air Act (CAA). This is not a mandate on local governments. It applies to any entity that owns or operates a subject stationary source. In addition, Part 200, which contains definitions related to air regulations, will also be updated.

STATUTORY AUTHORITY

The statutory authority for promulgation of Proposed 6 NYCRR Subpart 225-2 is found in the following Sections of the Environmental Conservation Law (ECL): Section 1-0101, Section 3-0301, Section 19-0103, Section 19-0105, Section 19-0301, Section 19-0303, Section 19-0305, Section 19-0311, Section 71-2103, and Section 71-2105.

Based on the above-referenced sections, the Commissioner has suf-

ficient authority to regulate air pollution from emission sources, including the promulgation of Proposed 6 NYCRR Subpart 225-2.

LEGISLATIVE OBJECTIVES

Article 19 of the ECL was adopted to safeguard the air resources of NYS from pollution. To facilitate this purpose, the Legislature granted specific powers and duties to the Department, including the power to formulate, adopt, promulgate, amend, and repeal regulations that prevent, control, or prohibit air pollution. This authority specifically extends these powers over areas of the State that are or may be affected by air pollution and allows the Department to prescribe for such areas (1) the degree of air pollution or air contamination that may be permitted therein, and (2) the extent to which air contaminants may be emitted to the air by any air contamination source. In addition, this authority includes the preparation of a general, comprehensive plan for the control or abatement of existing air pollution and for the control or prevention of any new air pollution recognizing various requirements for different areas of the State. The legislative objectives underlying the above statutes are directed toward protection of the environment and public health.

Proposed Subpart 225-2 addresses the burning of waste oils and subsequent emissions from burning waste oils throughout NYS. The regulation defines waste oil and establishes clear limits on its constituents. Finally, the regulation incorporates monitoring, recordkeeping, and reporting requirements for the purpose of compliance with the regulation.

NEEDS AND BENEFITS

The Department is proposing this repeal and replacement of Existing Subpart 225-2 with Proposed Subpart 225-2 to best protect and preserve the state's air resources. The Department proposes to achieve this by imposing composition limits on waste oil to minimize emissions and clarify the types of emission sources eligible to burn waste oil. Existing Subpart 225-2 has not been updated since its promulgation in 1983. As a result, many of its provisions are outdated and contain obsolete references and standards.

Rule Streamlining and Simplification

The permitting process contained in Existing Subpart 225-2 has become outdated. Proposed Subpart 225-2 will simplify and streamline implementation of the regulation by eliminating obsolete regulatory references; correcting typographical errors; updating the regulation's waste oil constituent limits; removing outdated work practices; expanding the number of facilities eligible to burn waste oil; updating the permitting process to include monitoring, recordkeeping, and reporting requirements, thus aligning it with Part 201 and Title V criteria found in the CAA; and moving the definition of "residual oil" from Existing Subpart 225-2 to Part 200. Existing Subpart 225-2 also contains references to liquid waste transportation regulations that, over the past thirty years, have changed and need to be removed from this regulation. Based on comments received during the public comment period that arsenic (5 ppm), cadmium (2 ppm), and chromium (10 ppm) were not in the Proposed 225-2, the Department will include these pollutants and their corresponding limits in Table 1 of Proposed Subpart 225-2. The Department is removing the ninety-nine (99) percent combustion efficiency requirement. The Proposed Subpart 225-2 will no longer address the burning of chemical waste and "off-spec" waste oils (i.e. Waste fuel B) that do not meet the limitations specified in Table 1 of Existing Subpart 225-2. Instead, burning chemical waste and off-spec waste oils will be regulated under 6 NYCRR Part 212, Process Operations or 6 NYCRR Parts 370-376 as appropriate. Proposed Subpart 225-2 clarifies the regulation's process for the burning of waste oil while removing the term waste fuel.

As part of the Department's streamlining, it will lower the size of the eligible exempt space heating equipment size from one million Btu/hr to 500,000 Btu/hr. This revision is consistent with both federal and NYS hazardous waste regulations for space heating sources that fire waste oils.

The Department is extending the permitting exemption for facilities generating their own waste oils to fire waste oil in space heaters of less than 500,000 mmBtu/hr heat input. Existing Subpart 225-2 provides this permitting exemption exclusively to automotive service facilities. These facilities are required under Article 23, Title 23, Section 7 of the ECL to accept waste oil from "do-it-yourself" oil changers. The Department will also include marine service facilities to the exemption, based on comments received during the public comment period for Proposed Subpart 225-2. The Empire State Marine Trades Association (Association) commented that their constituents are also subject to the requirements of Article 23, Title 23, Section 7 of the ECL. Proposed Subpart 225-2 allows additional types of facilities to burn waste oil in space heaters. Automotive maintenance/service facility or marine service facility are now defined as "Any facility that performs automotive/marine fluid changes, collects automotive/marine fluids, or drains automotive/marine fluids." Eligible facilities now include, but are not limited to, fleet maintenance facilities like municipal garages, rental car maintenance facilities, auto crushing facilities, junkyards, and marine service facilities.

Finally, the Department will be adding a specific prohibition on the use

of waste oil in residential sources. During the rulemaking process several reports/newspaper articles of waste oil recyclers selling waste oil to home heating oil delivery companies in the New York City area were published. Waste oil was never intended to be fired as home heating fuel (by itself or blended). Although the current regulation does not allow for waste oil to be used in this manner, the Department believes that adding a specific prohibition of this use will ensure compliance with the regulation.

Stakeholder Meetings

During the drafting of Proposed Subpart 225-2, the Department held a stakeholder webinar on May 15th, 2018. There were 35 stakeholders signed in to the webinar. The Department solicited comments on Proposed Subpart 225-2 from the stakeholders which included the environmental justice contact list (8,000 to 10,000 contacts), environmental advocate groups, industrial groups that fire waste oil, and waste oil collectors and distributors. The stakeholders asked some questions which the Department answered.

COSTS

Costs to Regulated Parties and Consumers:

There will be no additional costs associated with the Proposed Subpart 225-2.

In addition, the removal of the 99 percent combustion efficiency limit will save regulated facilities money by eliminating the requirement to periodically test combustion efficiency. Depending on equipment size and configuration, these tests can cost a subject facility between \$1,000.00 and \$5,000.00 per test.

Costs to State and Local Governments:

Based on the Department's permitting data, there currently are no State and local government facilities that have a Title V permit, air state facility permit, or registration subject to this regulation. Therefore, no additional costs will be incurred by State and local government facilities based on this regulatory update.

Costs to the Regulating Agency:

No additional monitoring, recordkeeping, or reporting requirements are being proposed under this rule-making. The only costs to the Regulating Agency are those routine costs associated with the rulemaking. These costs are regularly-incurred, operating costs.

LOCAL GOVERNMENT MANDATES

This is not a mandate on local governments. Local governments have no additional compliance obligations as compared to other subject entities. No additional monitoring, recordkeeping, reporting, or other requirements will be imposed on local governments under this rulemaking. Finally, as stated above in the Cost section of this Regulatory Impact Statement, there are currently no local government facilities subject to this regulation.

PAPERWORK

Proposed Subpart 225-2 will create no additional paperwork for the facilities subject to the requirements of this rule.

DUPLICATION

Proposed Subpart 225-2 does not duplicate, overlap, or conflict with any other State or federal Air requirements.

ALTERNATIVES

The Department evaluated the following alternatives:

1) No action - do not change the current version of the regulation. This option will not address the issue of consistency with Title V monitoring, recordkeeping, or reporting requirements. It will also not correct inconsistencies with other State and federal regulations and will not simplify and streamline the requirements.

2) Title V update only - update the rule to match the current Title V permitting requirements. This regulation has not been updated since its promulgation in 1983. The regulation does not conform to the requirements of the Title V program (Subpart 201-6). Updating the monitoring, recordkeeping, and reporting requirements of this rule to match those of Title V is long overdue. However, this option by itself would not address inconsistencies with other State and Federal liquid waste transportation requirements, nor would it simplify and/or streamline the regulation.

FEDERAL STANDARDS

Proposed Subpart 225-2 does not exceed any minimum federal standards. The proposed reduction of the lead standard will make the Proposed 225-2 lead limit equivalent to the lead standards regulated under the federal regulations for liquid waste transporters.

COMPLIANCE SCHEDULE

The Department proposes to promulgate the Proposed Subpart 225-2 by the spring of 2020. The provisions of this rule will take effect upon promulgation of the rule.

Revised Regulatory Flexibility Analysis

EFFECT OF RULE

The Department is proposing to repeal Existing 6 NYCRR Part 225-2 Fuel Composition and Use - Waste Fuel (Existing Subpart 225-2) and replace it with Proposed 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel (Proposed Subpart 225-2). Proposed Subpart 225-2 regulates the burning of waste oils in combustion, incineration, and

process sources throughout New York State (NYS). Small businesses are those that are independently owned, located within NYS, and that employ 100 or fewer persons. Proposed Subpart 225-2 requirements apply equally to every stationary source that fires oil in NYS. Proposed Subpart 225-2 will not affect small businesses or local governments differently from any other source subject to this rule and may help certain small businesses.

COMPLIANCE REQUIREMENTS

Proposed Subpart 225-2 establishes applicability criteria, composition limits, and permitting requirements for waste oils; establishes monitoring, recordkeeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities. If finalized, Proposed Subpart 225-2 will be included as a component of the State Implementation Plan for NYS, as required by the Clean Air Act. Also, as part of this rulemaking, the Department is adding the definition for "residual oil" to 6 NYCRR Part 200. No new compliance requirements will be incurred by stationary sources subject to the provisions of the proposed rule.

PROFESSIONAL SERVICES

As stated above, this revision will place no new compliance obligation on subject stationary sources. Therefore, the Department does not expect small businesses or local governments will need to hire additional professional services to comply with the provisions of the proposed rule.

COMPLIANCE COSTS

Based on the Department's permitting data, there currently are no local government facilities that have a Title V permit, air state facility permit, or registration subject to this regulation. Therefore, no additional costs will be incurred by local government facilities based on this regulatory update. In addition, because there will be no additional compliance requirements placed on subject facilities, the Department does not anticipate any new costs to small businesses.

MINIMIZING ADVERSE IMPACT

The Department does not expect any adverse impacts on small businesses and local governments throughout NYS. Proposed Subpart 225-2 is a statewide regulation. Its requirements are the same for all facilities. The Department does not anticipate small businesses or local governments to be impacted differently than any other sources subject to Proposed Subpart 225-2.

SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

During the drafting of Proposed Subpart 225-2, the Department held a stakeholder webinar on May 15th, 2018. There were 35 stakeholders signed in to the webinar. The Department solicited comments on Proposed Subpart 225-2 from the stakeholders which included the environmental justice contact list (8,000 to 10,000 contacts), environmental advocate groups, industrial groups that fire waste oil, and waste oil collectors and distributors. The stakeholders asked some questions which the Department answered. In addition, the Department held a public hearing for Proposed Subpart 225-2 in Albany for small business and local government representatives on November 8th 2019.

ECONOMIC AND TECHNOLOGICAL FEASIBILITY

The Department does not expect any adverse economic or technological feasibility impacts on small businesses and local governments throughout NYS. Proposed Subpart 225-2 is a statewide regulation. Its requirements are the same for all facilities. The Department does not anticipate small businesses or local governments to be impacted economically or technologically differently than any other sources subject to Proposed Subpart 225-2.

CURE PERIOD

The Department is not including a cure period in this rulemaking. The purpose of this rulemaking is to update, clarify, and simplify the regulation. Delaying the promulgation of the regulation will adversely affect the facilities that are subject to this regulation in that they will not receive the benefits of the streamlining and updating in a timely fashion.

Revised Rural Area Flexibility Analysis

TYPES AND ESTIMATED NUMBERS OF RURAL AREAS

Proposed 6 NYCRR Subpart 225-2, Fuel Composition and Use - Waste Oil as a Fuel (Proposed Subpart 225-2) is not expected to have a substantial adverse impact on rural areas in New York State (NYS). The proposed rulemaking will apply statewide and thus all stationary sources that fire waste fuels in NYS will be equally affected.

Rural areas are defined as rural counties in NYS that have populations of less than 200,000 people, towns in non-rural counties where the population densities are less than 150 people per square mile, and villages within those towns.

REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES

The Department is proposing to repeal Existing 6 NYCRR Part 225-2, Fuel Composition and Use - Waste Fuel (Existing Subpart 225-2) and replace it with Proposed Subpart 225-2. Proposed Subpart 225-2 regulates the burning of waste oils in combustion, incineration, and process sources

throughout NYS. Proposed Subpart 225-2 establishes applicability criteria, composition limits, and permitting requirements for waste oils; establishes monitoring, recordkeeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities. If finalized, Proposed Subpart 225-2 will be included as a component of the State Implementation Plan for NYS, as required by the Clean Air Act. Also, as part of this rulemaking, the Department is adding the definition for “residual oil” to 6 NYCRR Part 200. No new compliance requirements will be incurred by stationary sources subject to the provisions of the proposed rule.

COSTS

There will be no additional costs associated with Proposed Subpart 225-2.

The removal of the 99 percent combustion efficiency limit will save regulated facilities money (\$1,000.00 to \$5,000.00 per test) by eliminating the requirement to periodically test combustion efficiency.

MINIMIZING ADVERSE IMPACT

The Department does not expect any adverse impacts on rural areas. Proposed Subpart 225-2 is a statewide regulation. Its requirements are the same for all facilities, and rural areas are impacted no differently than other areas in the state.

RURAL AREA PARTICIPATION

During the drafting of Proposed Subpart 225-2, the Department held a stakeholder webinar on May 15th, 2018. There were 35 stakeholders signed in to the webinar. The Department solicited comments on Proposed Subpart 225-2 from the stakeholders which included the environmental justice contact list (8,000 to 10,000 contacts), environmental advocate groups, industrial groups that fire waste oil, and waste oil collectors and distributors. The stakeholders asked some questions which the Department answered. In addition, the Department will hold public hearings on Proposed Subpart 225-2 at various locations in NYS which will be open to representatives from rural areas.

Revised Job Impact Statement

NATURE OF IMPACT

The Department is proposing to repeal existing 6 NYCRR Part 225-2 Fuel Composition and Use – Waste Fuel (Existing Subpart 225-2) and replace it with Proposed 6 NYCRR Subpart 225-2, Fuel Composition and Use – Waste Oil as a Fuel (Proposed Subpart 225-2). Proposed Subpart 225-2 regulates the burning of waste oils in combustion, incineration, and process sources throughout New York State (NYS). Proposed Subpart 225-2 establishes applicability criteria, composition limits, and permitting requirements for waste oils; establishes monitoring, recordkeeping, and reporting requirements for facilities that are determined eligible to burn waste oil; and allows for the burning of waste oils in space heaters at automotive maintenance/service facilities. Also, as part of this rulemaking, the Department is adding the definition for “residual oil” to 6 NYCRR Part 200. If finalized, Proposed Subpart 225-2 will be included as a component of the State Implementation Plan for NYS, as required by the Clean Air Act. These proposed changes to Subpart 225-2 are not anticipated to have an adverse impact on employment opportunities in the State.

CATEGORIES AND NUMBERS AFFECTED

Proposed Subpart 225-2 is meant to streamline regulations and is not placing any new substantive requirements on subject stationary sources. Therefore, Proposed Subpart 225-2 is not anticipated to have any short-term or long-term effects on the number of current jobs or future employment opportunities throughout NYS.

REGIONS OF ADVERSE IMPACT

Proposed Subpart 225-2 is a statewide regulation. This regulation is not expected to have an adverse impact on jobs or employment opportunities in NYS. It does not impact any region or area of the state disproportionately in terms of jobs or employment opportunities.

MINIMIZING ADVERSE IMPACT

The Department does not expect any adverse impacts on jobs in NYS based on Proposed Subpart 225-2. Proposed Subpart 225-2 is a statewide regulation. Its requirements are the same for all facilities and will not impact job opportunities in the State.

SELF-EMPLOYMENT OPPORTUNITIES

There are no anticipated effects on self-employment opportunities associated with Proposed Subpart 225-2.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2023, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

Comment 1: The Legislature and Governor have addressed greenhouse gas emission concerns in a comprehensive way in the Climate Leadership and Community Protection Act (Chapter 106 of the Laws of 2019). Allowing more burning of waste oil clearly represents a step in the wrong direc-

tion and will only make it more difficult for us to achieve the ambitious goals of Chapter 106. As noted in 2016, other jurisdictions including California, have determined that a ban on burning waste oil is a better overall policy. (Commenter 1)

Response to Comment 1: The burning of waste oil displaces the burning of virgin fuels and does not increase the overall burning of oil. Greenhouse gases from the burning of waste oils are the same as those emitted when the facility burns virgin fuel. Since the waste oil displaces other fuels, those fuels do not need to be delivered to the facility and the waste oil does not need to be collected by a third party for removal from the facility. Generally, both forms of transportation used for collection and delivery include the combustion of diesel oil in trucks. Thus, banning the burning of waste oil would increase emissions of greenhouse gases statewide from diesel trucks.

It should be noted that the existing Subpart 225-2 allows the firing of waste fuels, and that this is not new in the current proposal. The proposed regulation reduces the types and amounts of liquid wastes that are eligible to be fired in affected sources. Waste oil is only a subset of the liquid waste currently regulated under the existing Subpart. Therefore, the amount of liquid waste that may be fired is decreasing under this rulemaking. The proposed rule also lowers the limits for lead and PCB content of waste oil. The Department believes that this is not backsliding from established policy and that this is an improvement over the existing requirements which will in turn provide adequate protection of public health.

Comment 2: The proposed reduction in permitted levels of lead in waste fuel might not be sufficiently protective of public health. The proposal reduces the lead limit from 250 ppm to 100 ppm (25 ppm in automotive maintenance/service facilities or marine service facilities). Automotive and marine operations are often clustered together in lower-income neighborhoods, and marine facilities by their nature are limited to specific waterfront locations. It should be noted these facilities are not subject to any permitting process, leaving no mechanism to conduct environmental justice reviews or otherwise prevent cumulative adverse impacts. (Commenter 1)

Response to Comment 2: The Department is proposing to lower the lead limit to the allowable federal equivalent health-based lead limit, for permitted sources. The Department believes that the Subpart 225-2 eligible sources throughout the State already fire waste fuels. This proposed regulation will lower the lead content limit of waste oil and reduce the amount of liquid waste that is currently allowed to be fired. Based on this, the Department has determined that the proposed rule will decrease the amount of lead emitted from these sources, thus actually lowering lead emissions impacts on affected communities.

Comment 3: The proposal would eliminate a current requirement that a facility must demonstrate a combustion efficiency (CE) of at least 99% while burning waste fuel. The Department has indicated that removing the requirement to maximize CE will enable reductions in NOx emissions. However, without any requirement for a facility to reduce its CE, and no requirement for periodic testing, it is unclear whether this change will have the desired impact. In addition, the Department does not appear to have reviewed whether a policy of minimizing NOx emissions could have the impact of increasing emissions of greenhouse gases or other pollutants. (Commenter 1)

Response to Comment 3: Removing the combustion efficiency requirement will not significantly impact emissions of greenhouse gases. Greenhouse gas emissions are a product of complete combustion. A lower combustion efficiency will lower greenhouse gas emissions and cause the heat output of the fuel burning equipment to be lower. However, the fuel burning equipment may need to fire more fuel to make up for the loss of heat. Even so, the Department anticipates that the increase in fuel burning, combined with the lower combustion efficiency, will not cause a significant increase in greenhouse gas emissions.

Regarding the control of NOx emissions, the Department is required under the Clean Air Act Amendments of 1990 to reduce emissions of NOx. NOx is an ozone precursor and considered to be a non-attainment pollutant. Also, in 2010 the NO2 national ambient air quality standard (NAAQS) was lowered. The Department was required to demonstrate compliance with this revised standard. Most facilities that have sources currently permitted to fire waste fuels are also subject to the requirements of Subpart 227-2 NOx RACT or Part 212 NOx RACT and must demonstrate compliance with the NO2 NAAQS. These regulations require the owner/operators of facilities to annually tune their boilers/furnaces to meet NOx emission limitations. Based on these federal requirements, Department staff have determined that the air quality benefits of reducing NOx emissions outweigh the minor increases of other pollutant emissions.

Comment 4: The proposal would remove explicit language in current § 225-2.6(c) providing that no person “may sell, offer for sale, deliver or exchange in trade” any waste fuel except to a facility that is authorized to burn it. In addition, the applicability provisions in § 225-2.1 would replace

the provision that the Subpart “applies to the use and trade in liquid and semi liquid waste fuel to be burned for energy recovery” with one providing that it “applies to the use of waste oil to be burned as a fuel.” The proposal only prohibits sales for residential heating (which incidentally appears to need some additional definition).

If the restrictions on selling and offering for sale are removed, it is not clear whether these activities would be adequately prohibited by any remaining provisions of the Environmental Conservation Law, the Department’s regulations or any other enforceable standards. This prohibition should be retained and strengthened. (Commenter 1)

Response to Comment 4: The proposed regulation requires specific limits and permitting requirements for facilities that propose to fire waste oil. Companies that sell or transport waste oil are regulated under 6 NYCRR Parts 360 and 374. The current Subpart 225-2 was determined to duplicate the requirements of the solid and hazardous waste regulations. Thus, the references and citations to these regulations were removed.

Comment 5: The proposal would continue a ban on burning any waste oil in New York County. Given that this provision dates back to 1983, it seems reasonable to explore the possibility of an extension to additional areas in the metropolitan region and to other parts of the state that are experiencing, or could experience, serious air quality issues.

Response to Comment 5: The New York City Department of Environmental Protection (NYCDEP) does not allow waste oil to be burned in New York City; i.e., the five boroughs. The NYCDEP requires waste oil to be collected by a waste oil handler. There is a vast network of waste oil handlers in New York City that collect waste oil. Some of the waste oil handlers re-process the oil they collect while others ship it to larger handlers that either re-process or re-refine the oil. This works in New York City based on the volume of waste oil available and the relatively small area that is covered. Generally, waste oil handlers in upstate New York will not travel to remote locations of the State as it is not cost effective to do so. They would have to charge large fees to make it profitable for them to collect small amounts of waste oil. If these handlers were to expand their travel, the State would see an increase of all emissions based on an increase in mobile source (trucks) miles driven.

Additionally, an unintended consequence of banning waste oil throughout the entire State would be an economic burden on small businesses. Not only would a ban require these small businesses to pay a removal fee, they would also have to purchase virgin fuels for space heating.

Comment 6: A cross-reference in § 201-3.1(c)(2) should be updated if the proposed new definition “automotive maintenance/service facility or marine service facility” is adopted. (Commenter 1)

Response to Comment 6: The Department will modify the exemption language of paragraph 201-3.1(c)(2) to reflect these changes.

Commenter List:

1) Steve Englebright, New York State Assembly Environmental Conservation Committee and Dan Quart Chair, Assembly Committee Administrative Regulations Review Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Brookfield Trail System

I.D. No. ENV-11-20-00002-P

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

Proposed Action: Amendment of Part 190.0; renumbering of section 190.2 to 190.39; addition of new section 190.38 to Title 6 NYCRR.

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

Subject: Brookfield Trail System.

Purpose: To protect public safety and natural resources on the Brookfield Trail System.

Text of proposed rule: Paragraphs (7), (8), (9), (10), (11), (12), (13), (14), (15) of subdivision (b) of section 190.0 are renumbered paragraphs (9), (10), (11), (12), (13), (14), (15), (16) and (17), and new paragraphs (7) and (8) are added to read as follows:

(7) ‘Horse’ shall mean the entire family of Equidae.

(8) ‘Llama’ shall mean all new world camelids, llamas, alpacas, guanacos and vicunas.

Section 190.38 is renumbered section 190.39 and a new section 190.38 is added to read as follows:

Section 190.38 Brookfield Trail System.

In addition to other applicable general provisions of this Part, the following provisions apply to any person entering and using Beaver Creek State Forest, Brookfield Railroad State Forest and Charles E. Baker State Forest. In the event of a conflict, these specific regulations shall control.

(a) *Description.* As used in this section, the following terms shall have the indicated meanings:

(1) *Moscow Hill Camping Area* shall mean an eight-acre state land area located in the Charles E. Baker State Forest (Madison Reforestation Area 1) lying north of the tributary to Pleasant Brook immediately south of the intersection of Moscow Road and Quaker Hill Road and east of Moscow Road in the Town of Brookfield, Madison County, locally known as the old Civilian Conservation Corps Camp.

(2) *The Moscow Hill Assembly Area* shall mean a two-acre state land area located in the Charles E. Baker State Forest (Madison Reforestation Area 1) south of the tributary to Pleasant Brook immediately south of the intersection of Moscow Road and Quaker Hill Road and east of Moscow Road in the Town of Brookfield, Madison County.

(3) *Cherry Ridge Camping Area* shall mean a five-acre state land area located in the Charles E. Baker State Forest (Madison Reforestation Area 1) just east of the intersection of Brown Road and Truck Trail number 8 in the Town of Brookfield, Madison County.

(b) *Horses and Llamas*

(1) Any person entering the Moscow Hill Camping Area or Assembly Area with one or more horses shall have the following documentation, which must be presented upon request of department staff:

(i) for all in-state horses, a valid Coggins test that is negative for Equine Infectious Anemia, and proof of a current rabies vaccination; or

(ii) for all out-of-state horses, a valid 30-day Certificate of Health, a valid Coggins test that is negative for Equine Infectious Anemia, and proof of a current rabies vaccination.

(2) Any person entering the Moscow Hill Camping Area or Assembly Area with one or more llamas shall have a valid Certificate of Veterinary Inspection, identifying each animal individually and proof of a current rabies vaccination.

(3) Any person harboring a horse or llama overnight in the Moscow Hill Camping Area or Assembly Area must use a department provided covered tie stall or, in the case of a stallion, a stud stall, or a horse trailer associated with the person responsible for the horse or llama. No person shall use temporary corrals or paddocks.

(4) Stud stalls shall only be occupied by stallions.

(5) Horse stalls are provided for the equestrian community and may only be used for the storage of horses, llamas or related equipment. No person shall store unrelated personal property in stalls.

(6) No person shall tether any horse or llama to any tree in the Moscow Hill Camping Area or Assembly Area.

(7) No person shall allow or encourage any horse or llama to gallop or canter in the Moscow Hill Camping Area or Assembly Area.

(8) No person shall fail to maintain an orderly camp, including horse stalls. All manure shall be removed from stalls. Manure removed from stalls in the Moscow Hill Camping Area or Assembly Area shall be deposited into designated manure pits.

(9) Horses and llamas are prohibited at the Cherry Ridge Camping Area.

(c) *Other Animals*

(1) All animals are prohibited in the Moscow Hill Camping Area and Assembly Area with the exception of cats, dogs, horses and llamas as provided for in this section.

(2) Within the Moscow Hill Camping Area and Assembly Area, all persons must maintain control of their cat or dog at all times. All persons must confine their cat or dog to their campsite area, unless their cat or dog is being walked and is confined on a leash no more than six feet long.

(3) No person shall leave their cat or dog unattended in the Moscow Hill Camping Area or Assembly Area at any time unless securely confined in a camper or enclosed trailer.

(4) Any person entering the Moscow Hill Camping Area or Assembly Area with a cat or dog shall have proof of a current rabies vaccination for their cat or dog, which must be presented upon request to department staff.

(5) Within the Moscow Hill Camping Area and Assembly Area, animal owners shall properly dispose of their animals’ excrement in the designated manure pits.

(6) Any person with a disruptive or vicious animal shall be required to remove their animal from the Moscow Hill Camping Area and Assembly Area whenever directed by department personnel or by law enforcement personnel. Failure to do so may result in the termination of all privileges to access the Charles E. Baker State Forest and the Brookfield Trail System.

(d) *General Provisions*

(1) The riding and possession of bicycles and the riding, driving or leading of horses and llamas is restricted to designated trails or roads on Madison Reforestation Areas 1, 4, 6, 11 and 12.

(2) No person shall ride or possess a bicycle, or ride, drive, lead or permit a horse or llama on any trail in Beaver Creek State Forest (Madison Reforestation Areas 11 and 12), Brookfield Railroad State Forest

(Madison Reforestation Area 6) or Charles E. Baker State Forest (Madison Reforestation Areas 1 and 4) between November 1 and April 30, unless such trails are designated for winter use.

(3) Fires are permitted only in fire rings and fireplaces provided by the department at designated camping sites.

(4) Within the Moscow Hill Camping Area and Assembly Area, quiet hours shall be observed between 10:00 p.m. and 7:00 a.m.

(5) Within the Moscow Hill Camping Area and Assembly Area, generators may only be operated from 8:00 a.m. to 10:00 a.m. and from 4:00 p.m. to 8:00 p.m.

(6) No person shall possess or use fireworks of any nature.

(7) Within the Moscow Hill Camping Area and Assembly Area, camping is permitted only at sites designated by the department.

Text of proposed rule and any required statements and analyses may be obtained from: Robert Messenger, NYS Dept. of Environmental Conservation, 625 Broadway, Albany, NY 12233, (518) 402-9428, email: robert.messenger@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: A Short Environmental Assessment Form was completed in compliance with Article 8 of the Environmental Conservation Law.

Regulatory Impact Statement

1. Statutory authority

Environmental Conservation Law ("ECL") section 1-0101(3)(b) directs the Department of Environmental Conservation (Department) to guarantee "that the widest range of beneficial uses of the environment is attained without risk to health or safety, unnecessary degradation or other undesirable or unintentional consequences." ECL section 3-0301(1)(b) gives the Department the responsibility to "promote and coordinate management of...land resources to assure their protection...and take into account the cumulative impact upon all such resources ...in promulgating any rule or regulation." ECL section 9-0105(1) authorizes the Department of Environmental Conservation to "exercise care, custody, and control" of State lands. ECL section 3-0301(2)(m) authorizes the Department to adopt rules and regulations "as may be necessary, convenient or desirable to effectuate the purposes of (the ECL)," and ECL section 9-0105(3) authorizes the Department to "make necessary rules and regulations to secure proper enforcement of (ECL Article 9)."

2. Legislative objectives

In adopting various articles of the ECL, the legislature has established forest, fish, and wildlife conservation to be policies of the State and has empowered the Department to exercise care, custody, and control over certain State lands and other real property. Consistent with these statutory interests, the proposed regulations will protect natural resources and the safety and welfare of those who engage in recreational activities at the Moscow Hill Camping and Assembly Areas on the Charles E. Baker State Forest in Madison County, New York and as well as on the entire Brookfield Trail System. The Department has also been authorized by the State Legislature to manage State owned lands (see ECL section 9-0105(1), and to promulgate rules and regulations for the use of such lands (see ECL sections 3-0301(2)(m) and 9-0105(3)).

3. Needs and benefits

The lands comprising the Charles E. Baker State Forest were originally farmed, then abandoned as farming no longer proved to be successful. These lands were then acquired by the State for reforestation purposes. By 1930, 3,073 acres had been acquired and 2,106 acres reforested.

With the authorization of the Civilian Conservation Corps program in 1933, trees were planted, truck trails built, water holes dug, hardwood stands thinned, and camps and structures were built to support workers. Parts of the old foundations can still be seen in the Assembly and Camping Area along Moscow Road.

In 1967, the Empire State Horsemen's Association strongly backed the development of a horse trail system for pleasure riding. It required a joint effort by correction camp crews, operations personnel, rangers, and foresters to lay out and clear the trails.

Today the Moscow Hill Camping and Assembly Areas serve as the major trailhead to the approximately 100-mile complex of recreational trails designated for use by horses, llamas and bicyclists. The trail system is located on three State reforestation areas covering over 13,000 acres, primarily within the Town of Brookfield, New York. The Moscow Hill Camping and Assembly Areas provide the main camping and equestrian related facilities for the Brookfield Trail System.

Over the last decade, public use of the Moscow Hill Camping and Assembly Areas has steadily increased, especially during peak periods. This unregulated use has led to overcrowding and degradation of natural resources, particularly to vegetation and trees. In addition, social impacts, including overcrowding, boisterous behavior and uncontrolled pets, such as dogs disturbing other users, continue to cause problems.

This rulemaking includes the addition of the definitions for "horse" and "llama", which are being added to section 190.0 of 6 NYCRR rather than including them in the new section 190.38, since this section only applies to the Brookfield Trail System. By placing definitions in section 190.0 for State lands generally, they will pertain to horse and llama use on all State lands. Horses and llamas are allowed anywhere on State land under the jurisdiction of the Department of Environmental Conservation unless otherwise prohibited by law, regulation, or posted notice.

The major provisions of the proposed regulations that will control use on the Moscow Hill Camping and Assembly Areas include: requiring horses and llamas that remain in the Camping and Assembly Areas overnight be tethered in a Department provided covered tie stall, or in the case of a stallion, in a stud stall; cat and dog restrictions, including a requirement that dogs and cats be under control and on a leash and have proof of a current rabies vaccination; camping only at designated sites; fire restrictions; formal quiet hours and generator use. The provisions that apply to the entire Brookfield Trail System, in addition to the Moscow Hill Camping and Assembly Areas include: seasonal closure of trails and prohibiting the possession or use of fireworks.

The restrictions requiring persons harboring a horse or llama overnight at the Moscow Hill Camping Area or Assembly Area to have them tethered in a covered tie stall, stallions in a stud stall, or within a horse trailer associated with the person responsible for the horse or llama, will protect vegetation and trees in the Camping and Assembly Areas. Tethering of horses and llamas to trees can cause damage to bark, and ultimately lead to the death of the tree. This is a potential problem, particularly during high use periods. The proposed regulations will also prohibit the public from using temporary corrals or paddocks for their horses or llamas which will protect vegetation and trees in the Camping and Assembly Areas.

A new subdivision, (c), paragraph (3), which states, "No person shall leave their cat or dog unattended in the Moscow Hill Camping Area or Assembly Area at any time unless securely confined in a camper or enclosed trailer" is included in the proposed regulations. This revision was made to accommodate users with small or older cats or dogs that cannot be taken on the trail. Instances where cats and dogs have disrupted campers will be avoided by requiring those pets to be on a leash or otherwise confined to the campsite of their owner.

The proposed regulations will establish formal "quiet hours" to be observed from 10:00 p.m. to 7:00 a.m. The operation of generators will be allowed from 8:00 a.m. to 10:00 a.m. and from 4:00 p.m. to 8:00 p.m. This will extend hours to allow generator use to accommodate users who are on the trails late in the day.

A seasonal closure of riding trails to horses, llamas and bicycles in the Brookfield Trail System was enacted in 1991 following an environmental assessment and environmental rehabilitation plan undertaken by the Department. This was undertaken to ensure erosion at the most sensitive times of the year would be minimized. Trail vulnerability is greatest between November 1st and April 30th during the spring and fall "mud seasons". At these times, trails show signs of degradation due to a combination of high moisture content in soils and heavy use. This can lead to trail deterioration and poor tread conditions, as well as stream sedimentation. For these reasons, restricting seasonal use has been in place for the past 25 years by signs posted in the area. Codifying the restriction in regulations will eliminate the need to maintain signs. A provision has been included in the proposed regulations that will restrict trail use between November 1 and April 30th.

Additional regulations that may apply to the Brookfield Trail System can be found in 6 NYCRR Part 190, Use of State Lands.

The regulations for the Brookfield Trail System were proposed in the Brookfield Unit Management Plan adopted in 2017. The need for the proposed regulations were addressed in the plan and discussed at the public meeting held on the plan in April 2016.

Members of the New York State Plantation Walking Horse Club, New York State Horse Council, Eastern Competitive Trail Ride Association, Brookfield Riding and Driving Association, Leatherstocking Riding Club, Twin Tiers Trail Riders, New York Adventure Endurance Ride, Pure Country Campground and Endless Trails Bed and Breakfast Riding Stables, as well as concerned members of the public who gave their contact information at the April 7, 2016 public meeting received a letter announcing the Department's intent to propose this regulation. The proposed regulations appeared in earlier draft form as part of the approved Brookfield Unit Management Plan. There will be an opportunity for the public to officially comment on the proposed regulations during a 60-day public comment period when the regulation appears in the New York State Register as a proposed rulemaking.

4. Costs

There will be no increased staffing, construction or compliance costs projected for State or local governments or to private regulated parties as a result of this rulemaking. Costs to the Department for necessary signage for the Brookfield Trail System will be minimal.

5. Local government mandates

This proposal will not impose any program, service, duty or responsibility upon any county, city, town, village, school district or fire district.

6. Paperwork

The proposed regulations will not impose any reporting requirements or other paperwork on any private or public entity.

7. Duplication

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

8. Alternatives

Several alternatives were considered to determine which management strategies would best protect the resource and best serve the public using this facility. The "No Action" alternative is not feasible since it would continue to allow unregulated use at the Moscow Hill Camping and Assembly Areas and would do nothing to provide protection to the natural resources of the area or the experience of visitors. The Department considered requiring users to obtain permits from its Sherburne sub-office prior to arrival, but this proposal would place an additional burden on both users and on Department staff. Reliance on the current Part 190 regulations for State forest lands does not provide adequate public safety or law enforcement protections that are necessary for the protection of the Moscow Hill Camping and Assembly Areas because of their unique characteristics. The alternative chosen in the proposed regulations represented the least burdensome option for effective management of the facility.

9. Federal standards

There is no relevant federal standard governing the use of State lands.

10. Compliance schedule

The proposed regulations will become effective upon notice of adoption in the New York State Register. Once the regulations are adopted, they are effective immediately, and all persons will be expected to comply with them upon their effective date. The Department will educate the public about the regulations through information posted on the Departments' web site, signage posted on the property, and by working with user groups and other stakeholders to help disseminate information regarding regulatory compliance.

Regulatory Flexibility Analysis

Adoption of a new section 190.38 to 6 NYCRR will address public safety and natural resource protection on the Brookfield Trail System. A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not submitted with these regulations because the proposal will not impose any reporting, recordkeeping or other compliance requirements on small businesses or local governments.

Since there are no identified cost impacts for compliance with the proposed regulations on the part of small businesses and local governments, they will bear no economic impact as a result of this proposal. The proposed regulations relate solely to natural resource protection and ensuring public safety on the Brookfield Trail System.

Rural Area Flexibility Analysis

Adoption of a new section 190.38 to 6 NYCRR will address public safety and natural resource protection on the Brookfield Trail System. A Rural Area Flexibility Analysis is not submitted with this proposal because the proposal will not impose any reporting, recordkeeping or other compliance requirements on rural areas. The proposed regulations relate solely to natural resource protection and ensuring public safety on the Brookfield Trail System.

Job Impact Statement

Adoption of a new section 190.38 to 6 NYCRR will address public safety and natural resource protection on the Brookfield Trail System. A Job Impact Statement is not submitted with this proposal because the proposal will have no substantial adverse impact on existing or future jobs and employment opportunities. The proposed regulations relate solely to natural resource protection and ensuring public safety on the Brookfield Trail System.

Proposed Action: Addition of Part 90 (Regulation 215) to Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 110, 301, 309, 316, 1202, 1209, 1215, 1218, 1501, 1504(c), arts. 12, 15, 16 and 17

Subject: Corporate Governance.

Purpose: To require an authorized insurer to adopt a corporate governance framework and file an annual disclosure.

Substance of proposed rule (Full text is posted at the following State website: https://www.dfs.ny.gov/industry_guidance/regulations): A new section 90.1 is added to set forth definitions for Part 90.

A new section 90.2 is added to require an insurer to adopt a corporate governance framework that is appropriate for the nature, scale, and complexity of the insurer. An insurer may satisfy this section if it is a member of a system and the system has a corporate governance framework.

A new section 90.3 is added to require an insurer to submit electronically to the Superintendent of Financial Services ("Superintendent") by December 1, 2020 a corporate governance annual disclosure applicable to the insurer and the holding company system, article 16 system, or article 17 system of which it is a member. The insurer also must submit to the Superintendent one hard copy of the corporate governance annual disclosure in 2020. Starting in 2021, the insurer must file by June 1 of each year an amended version of its previously submitted corporate governance annual disclosure indicating in the disclosure, using tracked changes, where the insurer made changes. The insurer also must file a copy of the amended disclosure without any tracked changes shown. If the insurer did not make any changes, then the insurer must file with the Superintendent the corporate governance annual disclosure filed with the Superintendent the previous year and must state that the insurer did not make any changes. An insurer must maintain and make available documentation and supporting information upon examination or upon the Superintendent's request.

An insurer may comply with the foregoing by submitting to the Superintendent the most recent and substantially similar corporate governance annual disclosure or disclosures provided by the insurer or another member of the insurer's holding company system, article 16 system, or article 17 system to the head insurance regulator of another state or to a supervisor or regulator of a foreign jurisdiction, if the corporate governance disclosure or disclosures provide information that is comparable to the information described in this section. A report in a language other than English must be accompanied by a certified translation of the report into English.

An insurer must make the corporate governance annual disclosure at the level at which the insurer's or system's risk appetite is determined; the insurer's earnings, capital, liquidity, operations, and reputation are overseen collectively and at which the supervision of these factors is coordinated and exercised; or legal responsibility for failure of general corporate governance duties would be placed.

The corporate governance annual disclosure must describe the corporate governance framework, including a description of, among other things: the board of directors, or other governing body, and various committees thereof, ultimately responsible for overseeing the insurer or system, and the level or levels at which that oversight occurs; the rationale for the current size and structure of the board of directors or other governing body; and the duties of the board of directors, or other governing body, and of each of its significant committees, and the way in which they are governed.

An insurer may comply with this section by referencing other existing documents in the corporate governance annual disclosure if the referenced documents provide information that is comparable to the information described in the section. The insurer must clearly reference the location of the relevant document within the corporate governance annual disclosure and attach the referenced document if it has not been filed with the Superintendent during the prior 12 months or is otherwise not available to the Superintendent.

A corporate governance annual disclosure must include the signature of the chief executive officer or corporate secretary, attesting to the best of his or her knowledge and belief that the insurer or its system has implemented the corporate governance framework, and that a copy of the corporate governance annual disclosure has been provided to the insurer's or system's board of directors or the appropriate committee thereof, or if there is no board of directors, then to the insurer's or system's governing body.

A new section 90.4 is added to set forth a process for obtaining an exemption from the electronic filing requirement.

Text of proposed rule and any required statements and analyses may be obtained from: Joana Lucashuk, NYS Department of Financial Services, One State Street, 20th Floor, New York, NY 10004, (212) 480-2125, email: Joana.Lucashuk@dfs.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.

Department of Financial Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Corporate Governance

I.D. No. DFS-11-20-00001-P

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

Regulatory Impact Statement

1. Statutory authority: Financial Services Law §§ 202 and 302 and Insurance Law §§ 110, 301, 309, 316, 1202, 1209, 1215, 1218, 1501, and 1504(c) and Articles 12, 15, 16, and 17.

Financial Services Law § 202 establishes the office of the Superintendent of Financial Services (“Superintendent”). Financial Services Law § 302 and Insurance Law § 301, in material part, authorize the Superintendent to effectuate any power accorded to the Superintendent by the Financial Services Law, Insurance Law, or any other law, and to prescribe regulations interpreting the Insurance Law.

Insurance Law § 110 authorizes the Superintendent to share and receive documents, materials, and other information, including those that are confidential and privileged, with and from other state, federal, and international regulatory agencies and law enforcement authorities and the National Association of Insurance Commissioners (“NAIC”).

Insurance Law § 309 authorizes the Superintendent to examine authorized insurers and requires the Superintendent to examine domestic insurers.

Insurance Law § 316 authorizes the Superintendent to promulgate regulations requiring insurers or any other person or entity to make filings or submissions with the Superintendent electronically so long as the Superintendent allows the insurer or other person or entity to request an exemption from electronic filing upon a demonstration of undue hardship, impracticability, or good cause, subject to the Superintendent’s approval.

Insurance Law Article 12 applies to the organization and corporate procedure of insurers.

Insurance Law § 1202 sets forth the requirements for boards of directors of domestic insurers.

Insurance Law § 1209 sets forth the requirements for the management and by-laws of domestic mutual insurance corporations.

Insurance Law § 1215 requires that the office of a trustee or director of any domestic mutual insurer immediately become vacant when a trustee or director does not attend at least one regular meeting of the board of trustees or directors in any consecutive 18-month period (unless excused by the board).

Insurance Law § 1218 sets forth requirements for the regulation of stock ownership, interlocking directors, and common management.

Insurance Law Article 15 sets forth requirements for holding company systems.

Insurance Law § 1501 sets forth definitions relating to holding company systems.

Insurance Law § 1504(c) requires the Superintendent to keep reports made pursuant to Insurance Law Article 15, and any information obtained in connection therewith, confidential unless the controlled insurer consents to public disclosure in writing or the Superintendent determines, after notice and hearing, that the interests of policyholders, shareholders, or the public will be served by publication thereof.

Insurance Law Article 16 sets forth requirements for subsidiaries of domestic property/casualty insurers and certain other entities.

Insurance Law Article 17 sets forth requirements for subsidiaries of domestic life and accident and health insurance companies and certain other entities.

2. Legislative objectives: Insurance Law Article 12 applies to the organization and corporate procedure of insurers. Insurance Law § 1202 sets forth the requirements for boards of directors of domestic insurers, Insurance Law § 1209 sets forth the requirements for the management and by-laws of domestic mutual insurance corporations, and Insurance Law § 1218 sets forth requirements for the regulation of stock ownership, interlocking directors, and common management.

This rule accords with the public policy objectives that the Legislature sought to advance in Insurance Law Article 12 by requiring an authorized insurer to adopt a corporate governance framework and file a corporate governance annual disclosure (“CGAD”) with the Superintendent electronically.

3. Needs and benefits: In November 2014, the NAIC adopted the Corporate Governance Annual Disclosure Model Act and Regulation (the “Models”) “to collect more detailed information on insurers’ corporate governance practices in response to the growing regulatory needs and various international developments.” See The NAIC Corporate Governance Annual Disclosure Model Act, State Legislative Brief, NAIC (November 2019). The Models require an insurer or group of insurers to provide a confidential CGAD regarding its corporate governance practices to the lead state or domestic regulator by June 1 of each year.

A corporate governance framework includes the structures, processes, information, and relationships used for the oversight, direction, control, and management of an insurer, or the system of which the insurer is a member, and for ensuring compliance with legal and regulatory requirements. According to the NAIC, corporate governance includes avoiding undue concentration of authority and power. See Corporate Governance, the Center for Insurance Policy and Research, NAIC (Janu-

ary 11, 2019). Corporate governance must be transparent and have appropriate systems, controls, and limits to ensure the given authority and power is used to protect the interests of all the insurer’s stakeholders.

The Models became an NAIC accreditation standard on January 1, 2020. NAIC accreditation is a certification a state receives once it demonstrates that it has met and continues to meet certain legal, financial and organizational standards. The purpose of the NAIC accreditation program is to ensure effective insurer financial solvency regulation across the United States. As of November 2019, 45 states have adopted the CGAD model act and 30 states have adopted the CGAD model regulation. See The NAIC Corporate Governance Annual Disclosure Model Act, State Legislative Brief, NAIC (November 2019).

This rule requires an authorized insurer to adopt a corporate governance framework and file a CGAD with the Superintendent electronically.

4. Costs: This rule may impose compliance costs on authorized insurers that must adopt a corporate governance framework and file a CGAD with the Superintendent electronically. The costs are difficult to estimate and will vary by insurer because of several factors, such as an insurer’s organizational structure, its size, and whether it already has a corporate governance framework in place. However, most authorized insurers should already have corporate governance frameworks, and the information set forth in a CGAD should not vary much each year so this should reduce any additional costs.

The Department of Financial Services (“Department”) may incur costs for the implementation and continuation of this rule, because Department staff will need to review the CGADs. However, since the CGADs should not vary much each year, any additional costs incurred should be minimal and the Department should be able to absorb such costs in its ordinary budget.

This rule does not impose compliance costs on local governments.

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

6. Paperwork: This rule requires an authorized insurer to file a CGAD with the Superintendent electronically.

7. Duplication: This proposed regulation does not conflict with any existing state or federal rules or other legal requirements.

8. Alternatives: The Department considered requiring an insurer to submit a CGAD to the lead state or its domestic regulator as do the Models. However, the Department decided not to include the lead state concept because the Department believes it would be an impermissible delegation of authority to require an insurer to submit a report to another state.

9. Federal standards: The rule does not exceed any minimum standards of the federal government for the same or similar subject areas.

10. Compliance schedule: An insurer must comply with the rule within 30 days of publication of notice of adoption in the State Register. An authorized insurer must file its first CGAD by December 1, 2020.

Regulatory Flexibility Analysis

1. Effect of rule: This rule requires an authorized insurer to adopt a corporate governance framework and to file a corporate governance annual disclosure (“CGAD”) with the Superintendent of Financial Services (“Superintendent”) electronically. As such, it should not affect local governments.

Industry asserts that certain authorized insurers, in particular cooperative insurers and mutual insurers, that are subject to the rule are small businesses. An authorized insurer that may be a small business subject to the rule may incur additional costs as a result of this rule. The costs are difficult to estimate and will vary by insurer because of several factors, such as an insurer’s organizational structure, its size, and whether it already has a corporate governance framework in place. However, the Department in promulgating this rule has sought to accommodate any such small business by providing flexibility as to its corporate governance framework in stating that the framework must be appropriate for the nature, scale, and complexity of the insurer. In addition, most authorized insurers that are small businesses should already have corporate governance frameworks, and the information set forth in a CGAD should not vary much each year.

2. Compliance requirements: A local government will not have to undertake any reporting, recordkeeping, or other affirmative acts to comply with the rule since the rule does not apply to a local government. However, an authorized insurer that may be a small business will need to adopt a corporate governance framework and file a CGAD with the Superintendent electronically.

3. Professional services: A local government will not need any professional services to comply with this rule since the rule does not apply to a local government. An authorized insurer that may be a small business will not need any professional services to comply with the rule.

4. Compliance costs: A local government will not incur any costs to comply with this rule since the rule does not apply to a local government. An authorized insurer that may be a small business may incur costs to

comply with the rule. The costs are difficult to estimate and will vary by insurer because of several factors, such as an insurer's organizational structure, its size, and whether it already has a corporate governance framework in place. However, most authorized insurers that are small businesses should already have corporate governance frameworks, and the information set forth in a CGAD should not vary much each year, which should reduce any costs.

5. Economic and technological feasibility: There should not be any issues pertaining to the economic and technological feasibility of complying with the rule with respect to a local government since the rule does not apply to a local government. The rule requires an authorized insurer that may be a small business to file a CGAD with the Superintendent electronically. However, the rule permits such an insurer to request an exemption from electronic filing based upon undue hardship, impracticability, or good cause.

6. Minimizing adverse impact: There will not be an adverse impact on a local government since the rule does not apply to a local government. However, there may be an adverse impact on an authorized insurer that may be a small business.

The Department considered the approaches suggested in State Administrative Procedure Act ("SAPA") § 202-b(1) for minimizing adverse impacts. The Department drafted the rule to state that a corporate governance framework must be appropriate for the nature, scale, and complexity of the insurer, thereby providing flexibility for any authorized insurer that may be a small business.

7. Small business and local government participation: The Department will comply with SAPA § 202-b(6) by publishing the proposed rule in the State Register and posting the proposed rule on the Department's website.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Authorized insurers affected by this rule operate in every county in this state, including rural areas as defined by State Administrative Procedure Act § 102(10).

2. Reporting, recordkeeping and other compliance requirements; and professional services: This rule imposes additional reporting, recordkeeping, and other compliance requirements on authorized insurers, including insurers in rural areas, by requiring them to adopt a corporate governance framework and file a corporate governance annual disclosure ("CGAD") with the Superintendent electronically.

An authorized insurer in a rural area will not need to retain professional services to comply with this rule.

3. Costs: This rule may result in additional costs to authorized insurers, including insurers in rural areas, that must adopt a corporate governance framework and file a CGAD with the Superintendent electronically. The costs are difficult to estimate and will vary by insurer because of several factors, such as an insurer's organizational structure, its size, and whether it already has a corporate governance framework in place. However, most authorized insurers should already have a corporate governance framework, and the information set forth in a CGAD should not vary much each year, so this should reduce any additional costs. Thus, compliance costs should be minimal for many authorized insurers, including insurers in rural areas.

Nevertheless, any additional costs to insurers in rural areas should be the same as for insurers in non-rural areas.

4. Minimizing adverse impact: This proposed rule uniformly affects authorized insurers that are in both rural and non-rural areas of New York State. The rule should not have an adverse impact on rural areas.

5. Rural area participation: Authorized insurers in rural areas will have an opportunity to participate in the rule making process when the proposed rule is published in the State Register and posted on the website of the Department of Financial Services.

Job Impact Statement

This rule should not adversely impact jobs or employment opportunities in New York State. This rule requires an authorized insurer to adopt a corporate governance framework and to file a corporate governance annual disclosure with the Superintendent electronically. This rule promotes the avoidance of undue concentration of authority and power and ensures that given authority and power is used to protect the interests of all the insurer's stakeholders.

New York State Gaming Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Joint Injections in Thoroughbred Racing

I.D. No. SGC-11-20-00012-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 4043.2(c), (e), (f), (g), (i) and 4043.4(b) of Title 9 NYCRR.

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

Subject: Joint injections in Thoroughbred racing.

Purpose: To improve integrity, health and safety of Thoroughbred horse racing.

Text of proposed rule: Subdivisions (c), (e), (f), (g) and (i) of section 4043.2 of 9 NYCRR would be amended, as follows:

§ 4043.2. Restricted use of drugs, medications and other substances.

Drugs and medications are permitted to be used only in accordance with the following provisions.

(c) The following substances may be administered by any means *except by joint injection* until 24 hours before the scheduled post time of the race in which the horse is to compete:

(e) The following substances are permitted to be administered by any means *except by joint injection* until 48 hours before the scheduled post time of the race in which the horse is to compete:

(f) The following substances may be administered by any means *except by joint injection* until 72 hours before the scheduled post time of the race in which the horse is to compete:

(g) The following substances are permitted to be administered by any means *except by joint injection* until 96 hours before the scheduled post time before the scheduled post time of the race in which the horse is to compete:

(i) In addition, a horse may not race for the following periods of time:

(2) for at least [seven] 14 days following a joint injection [of a corticosteroid and the following corticosteroids may be administered only by means of a joint injection: betamethasone, isoflupredone, any formulation of methylprednisolone and any formulation of triamcinolone];

(3) for at least 14 days following an administration of clenbuterol or firocoxib.

In this regard, substances ingested by a horse shall be deemed administered at the time of eating and drinking. It shall be part of the trainer's responsibility to prevent such ingestion within such time periods. *The following corticosteroids may be administered only by means of a joint injection: betamethasone, isoflupredone, any formulation of methylprednisolone and any formulation of triamcinolone.*

Subdivision (b) of section 4043.4 of 9 NYCRR would be amended, as follows:

§ 4043.4. Trainer's responsibility.

(b) Trainers shall maintain accurate records of all [corticosteroid] joint injections to horses trained by them. The record(s) of every [corticosteroid] joint injection shall be submitted, in a form and manner approved by the [board] commission, by the trainer to the [board] commission within 48 hours of the treatment. The trainer may delegate this responsibility to the treating veterinarian, who shall make these reports when so designated. The reports shall be accessible to the examining veterinarian for the purpose of assisting with pre-race veterinary examinations.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen M. Buckley, Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, New York 12301, (518) 388-3332, email: gamingrules@gaming.ny.gov

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

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

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

Regulatory Impact Statement

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

2. Legislative objectives: To improve integrity, health and safety of Thoroughbred horse racing.

3. Needs and benefits: This Thoroughbred rule making proposes to create a 14-day restricted time period after any intra-articular joint injection before a horse's next race and to require that all joint injections be reported within 48 hours and made available for pre-race examinations.

The current rules provide that corticosteroid joint injections ("CJI") must precede racing by at least one week, 9 NYCRR § 4043.2(i)(2), and that the record of each CJI treatment be submitted within 48 hours to the Commission. The trainer may delegate this reporting responsibility to the treating veterinarian and the reports are accessible to the veterinarians who perform the pre-race examination of each horse on race day.

The current rules provide that other joint injections must be completed at least one week before racing, 9 NYCRR § 4043.2(h), with limited exceptions for named substances that may be administered by joint injection until 24, 48, 72 or 96 hours before a Thoroughbred horse's next race, 9 NYCRR §§ 4043.2(c), 4043.2(e), 4043.2(f) and 4043.2(g).

The proposal would amend these limited exceptions to exclude any administration by joint injection and would amend 9 NYCRR § 4043.2(i)(3) to create a restricted time period of 14 days for all (including corticosteroid) joint injections.

Allowing a greater time frame following the administration of any corticosteroid or other joint injection would better protect Thoroughbred race horses. A 14-day waiting period would provide more time for a horse to be worked out at speed, providing a fuller opportunity to evaluate the treatment. This increased opportunity would allow ample time for a diagnosis to be determined, other beneficial therapy to be administered, and the horse to be evaluated following lameness treatment with any joint injection, all of which would better ensure that the horse is fit to race. The longer restricted period is expected to improve the safety of the horses and riders.

The largest effect of the proposal on routine horse care would be to preclude a horse from racing within 14 days after the administration of hyaluronic acid or its derivatives by joint injection. Hyaluronic acid is a joint lubricant in the synovial capsules surrounding a horse's hock, knee and ankle joints. Synthetic hyaluronic acid is administered to restore joint fluid and facilitate better joint movement. This proposal would not preclude the use of hyaluronic acid and other disease-modifying agents; it only would provide a time frame for their use that would protect the horse. Hyaluronic acid could continue to be administered by other means (e.g., orally) until 48 hours before a Thoroughbred horse's next race. Other substances that are commonly injected into the joints of a horse are associated with longer abstinences from racing than 14 days.

These changes were recommended at a meeting of mid-Atlantic racing commission officials and horse persons on October 2, 2019, following a presentation by New York State Gaming Commission Equine Medical Director Scott E. Palmer, VMD.

In addition, the proposal would complement the recommended extension of the 14-day restricted time period to non-corticosteroid joint injections by requiring that these treatments shall, like corticosteroid joint injections currently, be reported to the Commission within 48 hours and made available for pre-race examinations of Thoroughbred race horses. This would enhance the pre-race examinations of Thoroughbred horses and facilitate the collection of valuable information about horse ailments and treatments for study to identify horses that are most at risk of breaking down in races.

The proposal would also move a requirement that certain corticosteroids may be administered only by means of a joint injection from 9 NYCRR § 4043.2(i)(2) to the end of § 4043.2(i).

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: The costs of compliance with the new reporting

requirement by regulated parties will be minimal. The Commission has a free online reporting system for this data which is used for reporting corticosteroid joint injections. Trainers and veterinarians have reported that information on a timely basis at minimal cost since December 2012.

(b) Costs to the agency, the state and local governments for the implementation and continuation of the rule: The Commission can readily use its Thoroughbred corticosteroid reporting system for the reporting of all other joint injections. The costs for the New York Drug Testing and Research Program will be substantial. Drug administration trials are necessary to determine the concentration of the corticosteroid or metabolites in a blood sample collected from the horse that demonstrates that a joint was administered a clinical dose of the corticosteroid during the previous 14 days. Research for a laboratory test for joint injections of hyaluronic acid or its derivatives within the preceding 14 days is not feasible; however, this may change due to advances in technology in the future. The cost for conducting CJI administration trials will be \$50,000.

There will be no costs to local government because the Commission is the only governmental entity authorized to regulate pari-mutuel horse racing.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: The costs associated with corticosteroid administration trials and absence of costs for hyaluronic acid drug testing was provided directly from the New York Drug Testing and Research Program.

5. Local government mandates: None. The Commission is the only governmental entity authorized to regulate harness racing activities.

6. Paperwork: There will be a need for reporting non-corticosteroid injections. Trainers or their designated treating veterinarians will be required to make entries on the Commission's free online reporting system. The regulated parties already make and retain a veterinary record of these treatments.

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

8. Alternatives: The Commission considered and rejected retaining the various current restricted time periods for joint injections. The importance to horse racing of minimizing the number of horse breakdowns related to pre-existing joint disease requires further protective measures. This also compelled the Commission to propose the amendment that requires the reporting of all joint injections, which is based on the success of the CJI reporting requirement for Thoroughbred racing.

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

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

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

A regulatory flexibility analysis for small business and local governments, a rural area flexibility analysis and a job impact statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas or jobs.

This proposal concerns the administration of corticosteroid and non-corticosteroid intra-articular injections to Thoroughbred race horses. These treatments are currently permitted and will continue to be permitted but under different administration schedules, which will have no impact on jobs or rural areas. The proposal also requires the trainer of a Thoroughbred horse, or the treating veterinarian if designated by the trainer, to report non-corticosteroid intra-articular (joint) injections to the Commission. Under current rules, the records of such treatments are required to be maintained by the treating veterinarian and must be disclosed to the Commission on demand. The proposal standardizes such reporting using the free online reporting system that is currently used, by rule, for corticosteroid joint injections. The routine collection of this data will provide more information about the successful treatment of sore joints and will enhance research efforts to reduce breakdowns in Thoroughbred racing. The proposed amendments are intended to reduce equine injuries and deaths in Thoroughbred racing. This will have a positive effect on pari-mutuel horseracing, wagering and breeding in New York.

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

Department of Health

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Adult Day Health Care (ADHC)

I.D. No. HLT-11-20-00003-P

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

Proposed Action: Amendment of section 86-2.9 of Title 10 NYCRR.

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

Subject: Adult Day Health Care (ADHC).

Purpose: To allow for reimbursement of real property leases in certain situations when used for operations of an ADHC program.

Text of proposed rule: Paragraph (3) of subdivision (c) of section 86-2.9 is amended by adding new subparagraphs (i) and (ii), to read as follows:

(i) *Notwithstanding any provision to the contrary, effective January 1, 2015, for leases originating prior to December 31, 2018 and being renewed beyond such date, residential health care facilities that lease property from a non-related organization in order to operate an adult day health care program consistent with this section shall receive reimbursement from the department related to the cost of such lease. In the event that there is no historic cost, the department shall reimburse such adult day health care program for the lesser of the aggregate lease costs reported to the department during calendar year 2013, or the amount actually paid to the lessor for such lease in the calendar year two years prior to the claim for reimbursement pursuant to this subdivision, provided that such reimbursement shall not exceed any applicable maximum daily rate as provided for in this section. If the lease reported for that year does not span the calendar year, the first twelve months of the lease shall constitute the amount paid for such lease in a calendar year for the calculation above.*

(ii) *Beginning January 1, 2019, any residential health care facility that seeks to be reimbursed for costs related to newly leased property from a non-related organization in order to operate an adult day health care program consistent with this section shall, prior to entering into the lease, demonstrate to the satisfaction of the commissioner that: the adult day health care program meets a public need; such program would enable participants to remain in the community, in the least restrictive setting, and avoid institutionalization; and the leased property is the most cost effective option for the facility to operate the adult day health care program. Upon determination that the proposed or existing program satisfactorily meets each of these requirements, the commissioner may grant reimbursement for the lease payment. In the event that no historic cost is available, such adult day health care program will receive the lesser of the lease cost reported during the calendar year 2013 or the actual lease payment for the first twelve months of operation, regardless of any subsequent changes or renewals to such lease or ownership of the facility operations or the leased premises, provided that such reimbursement shall not exceed any applicable maximum daily rate as provided for in this section. If the lease reported for that year does not span the calendar year, the first twelve months of the lease shall constitute the amount paid for such lease in a calendar year for the calculation above.*

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

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:

The statutory authority for this regulation is contained in Public Health Law § 2808 which permits the Commissioner of Health to establish rates of payment for residential health care facilities. Subdivision 2-a of section 2808 provides that the rates of payments for residential health care facilities will include real property costs which shall be based on historical costs.

Legislative Objectives:

The objective is to recognize the real property costs to adult day health care programs.

Needs and Benefits:

The Department has allowed residential health care facilities to operate within leased facilities at different levels for years but ended that practice with regard to nursing homes. When the property is used for an Adult Day Health Care (ADHC) program, however, the Department continued to allow for reimbursement of certain real property leases at the discretion of the Commissioner. This regulation would codify this best practice by the Department, providing clear standards for the ADHC programs. ADHC programs enable participants to remain in the community in the least restrictive setting, thereby avoiding institutionalization and creating savings to the Medicaid program.

Costs:

The cost of the practice is \$3 million for both State and Federal share, an amount that has been historically budgeted for so will have no fiscal impact on the program. The \$3 million is the sum of all non-related ADHC leases reported in the 2017 RHCF cost report.

Costs for the Implementation of, and Continuing Compliance with the Regulation to the Regulated Entity:

There will be no costs to regulated entities for this change in regulation.

Costs to Local Governments:

There will be no additional costs to Local Governments for this change in regulation.

Costs to the State and the Department of Health:

The total cost per year is estimated at \$3 million; however, by encouraging new ADHC programs and reducing nursing home admissions, the Medicaid program may realize significant savings.

Local Government Mandates:

There are no local government mandates due to this change in regulation.

Paperwork:

There will be no change in reporting requirements due to this change in regulation as leases that fall under the purview of this regulation are currently captured in the current cost reports.

Duplication:

There is no duplication, overlap, or conflict with any other rules or legal requirements by State and Local governments.

Alternatives:

While this has been established past practice for reimbursement of leases for ADHC programs, the Department believes by formalizing the past practice into regulation, it will clarify established standards for the ADHC programs. Therefore, no other alternatives were considered during development of this proposal.

Federal Standards:

This regulation does not exceed any minimum standard of the federal government for the same or similar subject areas.

Compliance Schedule:

The residential health care facilities are already in compliance with reporting requirements. The regulations will be effective upon publication of a Notice of Adoption in the New York State Register.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is required pursuant to section 202-b(3)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse economic impact on small businesses or local governments, and it does not impose reporting, recordkeeping or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for these amendments is not being submitted because amendments will not impose any adverse impact or significant reporting, recordkeeping 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 amendments.

Job Impact Statement

A Job Impact Statement for these amendments is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities.

Office for People with Developmental Disabilities

EMERGENCY RULE MAKING

Creates Extended Treatment Units

I.D. No. PDD-06-20-00009-E

Filing No. 155

Filing Date: 2020-03-03

Effective Date: 2020-03-03

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

Action taken: Amendment of section 681.1 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b), 13.15(a) 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 adoption of amendments that allows individuals to receive specialized intervention and person-centered treatment when they are dually-diagnosed with intellectual/developmental disabilities and mental illness/behavioral health needs when in an active period of psychiatric/behavioral health crisis, is necessary to protect the health, safety, and welfare of individuals who are dually diagnosed and in an active health crisis.

The emergency amendments amend Title 14 NYCRR Part 681 to allow individuals, who are dually diagnosed with intellectual/developmental disabilities and mental illness/behavioral health needs, the ability to be enrolled in a specialized extended treatment unit that is a collaboration between the Office for People With Developmental Disabilities, the Office of Mental Health, and King's County Hospital. The regulations must be filed on an emergency basis to ensure that individuals in a period of crisis have access to this service pathway.

Subject: Creates Extended Treatment Units.

Purpose: To provide services and supports for individuals in crisis.

Text of emergency rule: Addition of new subdivision 681.1(k) to read as follows:

(k) *Intermediate care facilities for individuals with intellectual disabilities may include Extended Treatment Units (ETUs), operated by OPWDD. ETUs, while remaining institutional placements for census-counting purposes, shall be required to meet all standards mandated by this Part and shall hold a site-specific operating certificate in accordance therewith.*

(1) *ETUs are limited capacity (see glossary, section 681.99 of this Part) residential programs that may include discrete living units.*

(2) *ETUs shall have the following characteristics:*

(a) *Provide specialized residential services to individuals who:*

(i) *Meet criteria for admission to intermediate care facilities for individuals with intellectual disabilities;*

(ii) *Have co-occurring psychiatric or behavioral health disorders;*

(iii) *Are age twenty-one (21) or older;*

(b) *Promote behavioral and psychiatric stabilization;*

(c) *Serve as a transitional living arrangement; and*

(d) *Facilitate community reintegration.*

(3) *All admissions to an ETU shall require the prior approval of the commissioner, or designee, and necessitate that all criteria for admission to an ETU, as specified by OPWDD, have been met.*

(4) *The length of stay at an ETU shall be in increments of thirty (30) days up to a maximum of six (6) months, absent approval by the commissioner for an extension of stay. Such extensions shall only be granted upon a finding by the commissioner, or designee, that there exist compelling circumstances which warrant an extension. Extensions shall only be approved in increments of thirty (30) days.*

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-06-20-00009-EP, Issue of February 12, 2020. The emergency rule will expire May 1, 2020.

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, 3rd Floor, 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. 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 developmental disabilities, as stated in the New York State (NYS) Mental Hygiene Law Section 13.07.

b. OPWDD has the authority to adopt rules and regulations necessary and proper to implement any matter under its jurisdiction as stated in the NYS Mental Hygiene Law Section 13.09(b).

c. OPWDD has the authority to plan, promote, establish, develop, coordinate, evaluate, and conduct programs and services for prevention, diagnosis, examination, care treatment, rehabilitation, training, and research for the benefit of individuals with developmental disabilities and has the authority to take all actions necessary, desirable, or proper to implement the purposes of the Mental Hygiene Law and to carry out the purposes and objectives of OPWDD within available funding, as stated in the NYS Mental Hygiene Law Section 13.15(a).

d. OPWDD has the statutory authority to adopt regulations concerned with the operation of programs and the provision of services, as stated in the NYS Mental Hygiene Law Section 16.00.

2. Legislative objectives: The regulations further legislative objectives embodied in sections 13.07, 13.09(b), 13.15(a) and 16.00 of the Mental Hygiene Law. The regulations authorize individuals to receive specialized intervention and person-centered treatment when they are dually-diagnosed with intellectual/developmental disabilities and mental illness/behavioral health needs when they are in an active period of psychiatric/behavioral health crisis.

3. Needs and benefits: This regulation would add a new subdivision (k) to Title 14 NYCRR Section 681.1 to create extended treatment units (ETU) as a sub-category of license within OPWDD operated Intermediate Care Facilities. These new units will provide specialized psychiatric and behavioral habilitation services for up to six months, for up to twelve dually diagnosed individuals with intellectual/developmental disabilities and mental illness/behavioral health needs. The ETU is part of the collaboration with the Office of Mental Health (OMH) to operate two specialized programs designed specifically to provide intervention and person-centered treatment for dually diagnosed individuals who are in an active period of psychiatric/behavioral health crisis. This program would serve as a step-down to OMH's inpatient model. The pilot program would be located on the old Bernard Fineson campus and would serve as a step-down from the Kings County Hospital inpatient program. The regulation will provide the authority to issue the subcategory class of operating certificates and OPWDD will follow up with a more comprehensive operations manual which includes policies and procedures that relate to the ETU. The ETU is set to open soon and thus regulations are necessary not only to help individuals in crisis but also to authorize OPWDD to create them.

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 regulations. The regulations merely allow individuals to be admitted to an extended treatment unit to receive intensive behavioral health services.

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. The regulations may result in cost savings because individuals admitted to the program described by the regulations will receive these intensive services possibly preventing a further health decline which would require further treatment and supports.

b. Costs to private regulated parties: There are no anticipated costs to regulated providers to comply with the regulations. The amendments merely allow individuals to receive specialized intervention and person-centered treatment when they are dually-diagnosed with intellectual/developmental disabilities and mental illness/behavioral health needs when in an active period of psychiatric/behavioral health crisis.

5. Local government mandates: There are no new requirements imposed by the rule on any 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 regulations.

7. Duplication: The regulations do not duplicate any existing State or Federal requirements on this topic.

8. Alternatives: OPWDD did not consider any other alternatives to the

regulations. The regulations are necessary to help individuals in a health crisis receive necessary and tailored treatment for their dual diagnoses.

9. Federal standards: The amendments do not exceed any minimum standards of the federal government for the same or similar subject areas.

10. Compliance schedule: OPWDD is planning to adopt the amendments as soon as possible within the timeframes mandated by the State Administrative Procedure Act. The regulations were discussed with and reviewed by representatives of providers in advance of this proposal. OPWDD expects that providers will be in compliance with the requirements at the time of their effective date.

Regulatory Flexibility Analysis

A regulatory flexibility analysis for small businesses and local governments is not being submitted because these amendments will not impose any adverse economic impact or reporting, record keeping or other compliance requirements on small businesses. There are no professional services, capital, or other compliance costs imposed on small businesses as a result of these amendments.

The regulations amend Title 14 NYCRR Part 681 to allow individuals to receive specialized intervention and person-centered treatment when they are dually-diagnosed with intellectual/developmental disabilities and mental illness/behavioral health needs when in an active period of psychiatric/behavioral health crisis. The amendments will not result in costs or new compliance requirements for regulated parties since this specialized program is a collaboration between the Office for People With Developmental Disabilities, the Office of Mental Health, and King's County Hospital. Consequently, the amendments will not have any adverse effects on providers of small business and local governments.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for these amendments is not being submitted because the amendments 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 amendments.

The regulations amend Title 14 NYCRR Part 681 to allow individuals to receive specialized intervention and person-centered treatment when they are dually-diagnosed with intellectual/developmental disabilities and mental illness/behavioral health needs when in an active period of psychiatric/behavioral health crisis. OPWDD expects that providers will be in compliance with the requirements at the time of their effective date. The amendments will not result in costs or new compliance requirements for regulated parties since this specialized program is a collaboration between the Office for People With Developmental Disabilities, the Office of Mental Health, and King's County Hospital. Consequently, 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 amendments is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities.

The regulations amend Title 14 NYCRR Part 681 to allow individuals to receive specialized intervention and person-centered treatment when they are dually-diagnosed with intellectual/developmental disabilities and mental illness/behavioral health needs when in an active period of psychiatric/behavioral health crisis. The amendments will not result in costs, including staffing costs, or new compliance requirements for providers and consequently, the amendments 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.

Public Service Commission

NOTICE OF ADOPTION

IRM for the 2020-2021 Capability Year

I.D. No. PSC-52-19-00002-A

Filing Date: 2020-02-28

Effective Date: 2020-02-28

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

Action taken: On 2/28/20, the PSC adopted an order adopting the Installed Reserve Margin of 18.9 percent for the New York Control Area for the Capability Year beginning May 1, 2020, and ending April 30, 2021.

Statutory authority: Public Service Law, sections 4(1), 5(2), 65(1), 66(1), (2), (4) and (5)

Subject: IRM for the 2020-2021 Capability Year.

Purpose: To adopt an IRM of 18.9 percent for the New York Control Area for 2020-2021 Capability Year.

Substance of final rule: The Commission, on February 28, 2020, adopted an Installed Reserve Margin of 18.9% established by the New York State Reliability Council for the New York Control Area for the Capability Year from May 1, 2020 through April 30, 2021, 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.

(07-E-0088SA14)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity

I.D. No. PSC-11-20-00006-P

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

Proposed Action: The Commission is considering the notice of intent of WP South Tower, LLC, to submeter electricity at 57 Bank Street, White Plains, New York.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule: The Commission is considering the notice of intent, filed by WP South Tower, LLC, on February 24, 2020, to submeter electricity 57 Bank Street, White Plains, New York 10606, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

By stating its intent to submeter electricity, WP South Tower, LLC, requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(20-E-0089SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Deferral and Recovery of Incremental Costs and Establishment of an Extraordinary Repair Escrow Account

I.D. No. PSC-11-20-00007-P

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

Proposed Action: The Commission is considering a petition filed by Emerald Green Lake Louise Marie Water Company, Inc. to defer \$176,962 of extraordinary repair costs incurred in 2019 and approve a replenishable escrow account and surcharge.

Statutory authority: Public Service Law, sections 5, 89(b) and (c)

Subject: Deferral and recovery of incremental costs and establishment of an extraordinary repair escrow account.

Purpose: To consider deferring costs related to water main leak repairs for subsequent recovery and establishment of an escrow account.

Substance of proposed rule: The Commission is considering a petition, filed on December 31, 2019, by Emerald Green Lake Louise Marie Water Company, Inc. (the Company) for authorization to defer \$176,962 of incremental costs incurred in 2019 related to extraordinary repair expenses.

The Company is also requesting authorization to establish a replenishable escrow account with a maximum balance of \$50,000 and a monthly surcharge of up to \$10.00 for the purposes of recovery of the deferred debt and performing emergency and extraordinary repairs not covered through base rates.

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

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

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

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

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(19-W-0783SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Revisions to the Proration Tariff Language

I.D. No. PSC-11-20-00008-P

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

Proposed Action: The Commission is considering the filing of New York American Water Company, Inc. to amend P.S.C No. 5 Water, to revise Leaf 18.1, 18, 6 to 64 and Leaf 69 to reflect proration tariff language.

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

Subject: Revisions to the proration tariff language.

Purpose: To consider revisions to the proration tariff language under Leaf 18.1, 18 61 to 64 and Leaf 69.

Substance of proposed rule: The Commission is considering the filing of New York American Water Company, Inc. to amend P.S.C No. 5 Water, to revise Leaf 18.1, 18, 61 to 64 and Leaf 69 to reflect proration tariff language.

In Leaf 18 and 18.1, the Company proposes to change the number of days in the billing period from a 24 to 35-day billing cycle to a 28 to 32-day billing cycle. The Company asserts that the change to a 28 to 32-day billing cycle would allow customers to receive more accurate monthly

bills. The Company also seeks changes to Leafs 61 to 64, and 69 to adjust the volumetric charges for water to effectuate the rate structure approved in the Commission's May, 18 2017 Rate Order, as revised in its February 6, 2020 Order postponing the levelization surcharge in Service Area One (SA1), both filed under Case 16-W-0259.

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

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

Data, views or arguments may be submitted to: 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-W-0096SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Transfer of Water Supply Assets

I.D. No. PSC-11-20-00009-P

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

Proposed Action: The Commission is considering a joint petition filed by New York American Water Company, Inc. (NYAW) and Whitlock Farms Water Corp., Inc. (Whitlock) seeking authorization to transfer all assets of Whitlock to NYAW.

Statutory authority: Public Service Law, section 89(c) and (h)

Subject: Proposed transfer of water supply assets.

Purpose: To determine whether the transfer of assets from Whitlock to NYAW is in the public interest.

Substance of proposed rule: The Public Service Commission is considering a joint petition filed by New York American Water Company Inc. (NYAW) and Whitlock Farms Water Corp. (Whitlock) on January 30, 2020, for authorization to transfer all water supply assets of Whitlock to NYAW pursuant to Public Service Law Section 89-h.

The customers of Whitlock are currently served by NYAW, so rates will not be affected by the proposed transfer of assets. NYAW will continue to serve the customers of Whitlock and continue making investments and improvements necessary to maintain safe and reliable service. Additionally, NYAW states that the proposed transfer of assets would allow for the elimination of the Whitlock corporate entity, which would result in greater administrative efficiency.

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

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

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

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

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-W-0668SP2)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Transfer of Ownership Interests in an Existing Transmission Line

I.D. No. PSC-11-20-00010-P

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

Proposed Action: The Commission is considering a petition filed by Flat Rock Windpower, LLC, Flat Rock Windpower II LLC, and PPM Roaring Brook, LLC for the transfer of a 19.86% ownership interest in a 10.3 mile 230 kilovolt (kV) transmission line.

Statutory authority: Public Service Law, sections 2(12), (13), 5(1)(b), 5-b, 64, 65, 66 and 70

Subject: Proposed transfer of ownership interests in an existing transmission line.

Purpose: Consideration of whether the proposed transfer is in the public interest.

Substance of proposed rule: The New York State Public Service Commission (Commission) is considering a Joint Petition filed by Flat Rock Windpower, LLC (Flat Rock), Flat Rock Windpower II LLC (Flat Rock II), and PPM Roaring Brook, LLC (Roaring Brook) (collectively, the Petitioners) under Section 70 of the Public Service Law, which seeks authority for Flat Rock and Flat Rock II to transfer partial ownership interests to PPM Roaring Brook of an existing 10.3 mile 230 kilovolt (kV) transmission line from the Rector Road substation to National Grid's Chases Lake substation (the Transmission Line).

Roaring Brook proposes to purchase rights from Flat Rock and Flat Rock II to own a proportionate share and utilize the existing Transmission Line to facilitate delivery of energy from Roaring Brook's 79.7 megawatt wind electric generating project that is under development. The Petitioners request Commission approval of the transfer of a 19.86% ownership interest in the Transmission Line from Flat Rock and Flat Rock II to Roaring Brook.

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

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

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

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

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(20-E-0033SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Application of the Public Service Law to Owners of a Proposed 345 Kilovolt (kV) Transmission Line Providing Wholesale Services

I.D. No. PSC-11-20-00011-P

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

Proposed Action: The Commission is considering a petition filed by LS Power Grid New York, LLC and LS Power Grid New York Corporation I, seeking a lightened regulatory regime in connection with their ownership of a proposed 345 kV transmission line.

Statutory authority: Public Service Law, sections 2(12), (13), (22), 5(1)(b), 64, 65, 66, 67, 68, 69, 69-a, 70, 71, 72, 72-a, 78, 79, 105-114, 114-a, 115, 117, 118, 119-b and 119-c

Subject: Application of the Public Service Law to owners of a proposed 345 kilovolt (kV) transmission line providing wholesale services.

Purpose: To determine whether to apply a lightened regulatory regime to the owners of a proposed 345 kV transmission line.

Substance of proposed rule: The New York State Public Service Commission (Commission) is considering a petition filed by LS Power Grid New York, LLC and LS Power Grid New York Corporation I (collectively, the Petitioners) on December 4, 2019, requesting approval of a lightened regulatory regime in connection with Petitioners' ownership of a proposed 93-mile 345-kilovolt transmission line starting at the Edic substation in Marcy and terminating at the New Scotland substation in Albany (the Project).

The Petitioners request an order providing that they will be regulated as an electric corporation under a lightened regulatory regime consistent with the regime imposed on other owners providing wholesale electric services. Petitioners assert that granting them lightened regulation is in the public interest because the Project (i) was selected by the New York Independent System Operator, Inc. (NYISO) through a competitive solicitation process that will benefit all consumers of electricity in New York State, and (ii) will provide only wholesale transmission service under the operational control of NYISO pursuant to the rates, terms and provisions of the NYISO's federally-approved tariff. Further, Petitioners note that they will not have any captive retail customers requiring protection under the Commission's rate regulation and that granting lightened regulation will not present market power issues.

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

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

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

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

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(19-E-0739SP1)

Office of Temporary and Disability Assistance

NOTICE OF ADOPTION

Limits on Executive Compensation

I.D. No. TDA-46-19-00006-A

Filing No. 154

Filing Date: 2020-03-02

Effective Date: 2020-03-18

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

Action taken: Amendment of sections 315.5(a), (e), 315.6(a), (2)(ii), (3), (5); and repeal of section 315.5(b) of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 17(a)-(b), (k), 20(3)(d); Not-For-Profit Corporation Law, section 508

Subject: Limits on executive compensation.

Purpose: To remove requirements related to private funding from the \$199,000 per annum limit on executive compensation and to make corresponding technical updates.

Text or summary was published in the November 13, 2019 issue of the Register, I.D. No. TDA-46-19-00006-P.

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

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

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2025, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Annual Service Fee on Persons Receiving Child Support Services and Minimum Annual Collection Requirement to Impose Such Fee

I.D. No. TDA-49-19-00003-A

Filing No. 184

Filing Date: 2020-03-03

Effective Date: 2020-03-18

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

Action taken: Amendment of sections 347.13(c)(4)(i), (d)(3) and 347.17(b)(2) of Title 18 NYCRR.

Statutory authority: 42 United States Code (U.S.C.), section 654 (generally), 42 U.S.C. section 654(6)(B)(ii); 45 Code of Federal Regulations, section 302.33(e); Social Services Law, sections 17(a)-(b), (k), 20(3)(d), 34(3)(f), 111-a and 111-g

Subject: Annual service fee on persons receiving child support services and minimum annual collection requirement to impose such fee.

Purpose: To amend the existing State regulatory provisions regarding the annual service fee imposed on persons who receive child support services pursuant to Social Services Law section 111-g who have never received assistance pursuant to Title IV-A of the federal Social Security Act (SSA). The annual service fee will be increased from \$25 to \$35 and the amount of support that the State must collect and disburse to the family each federal fiscal year prior to imposing the fee will be increased from \$500 to \$550.

Text or summary was published in the December 4, 2019 issue of the Register, I.D. No. TDA-49-19-00003-P.

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

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

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2025, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The Office of Temporary and Disability Assistance (OTDA) received one comment following publication of the proposed regulatory amendments in the December 4, 2019 issue of the New York State Register. This comment has been reviewed and duly considered below in this Assessment of Public Comments.

The commenter stated that it “does not anticipate a negative impact on our current or future case counts, concerning OTDA’s proposed increase to \$35.00 annually” and added that “OTDA raising the charge implementation rate for the Service Fee from cases receiving \$500.00 in annual support, to those receiving \$550.00 annually, given the longstanding history of no rate increases, is rational.”

OTDA agrees with this comment.

Workers’ Compensation Board

EMERGENCY/PROPOSED

RULE MAKING

NO HEARING(S) SCHEDULED

Updating the Prescription Drug Formulary

I.D. No. WCB-11-20-00005-EP

Filing No. 185

Filing Date: 2020-03-03

Effective Date: 2020-04-01

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

Proposed Action: Amendment of section 441.2 of Title 12 NYCRR.

Statutory authority: Workers’ Compensation Law, sections 13-p, 117 and 142

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

Specific reasons underlying the finding of necessity: This amendment is adopted as an emergency measure because antiretrovirals must be administered immediately when needed and the Board wants to ensure these drugs are available to injured workers who may need them.

Subject: Updating the prescription drug formulary.

Purpose: To update the prescription drug formulary in response to continuous feedback.

Text of emergency/proposed rule: Section 441.2 of Title 12 NYCRR is hereby amended to read as follows:

441.2 New York Workers’ Compensation Formulary

The New York Workers’ Compensation Formulary, [1st] fourth edition ([November 20, 2019] March 3, 2020), incorporated by reference herein, identifies drugs using three lists: a) Phase A for prescriptions within the first thirty days following an Accident or injury; b) Phase B for prescriptions after, the sooner of, the first thirty days following an Accident or injury or acceptance or establishment of the claim; and c) Perioperative for use during the Perioperative period. Copies of the Formulary may be downloaded from the Board’s website free of charge. The Formulary may be examined at the office of the Department of State, 99 Washington Avenue, Albany, New York 12231, the Legislative Library, the libraries of the New York State Supreme Court, and the district offices of the Board, or obtained from the Board by submitting a request in writing, with a fee of five dollars, to the New York State Workers’ Compensation Board, 328 State Street, Schenectady, New York 12305-2318. Payment of the fee shall be made by check or money order payable to “Chair WCB.” Information about the Formulary can be requested by email at GENERAL_INFORMATION@wcb.ny.gov, or by telephone at 1-800-781-2362.

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 May 31, 2020.

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

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

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

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

Regulatory Impact Statement

1. Statutory authority: Workers’ Compensation Law (WCL) § 13-p requires the Chair to adopt a drug formulary and provide for amendment to the formulary upon consideration of suggestions made by interested parties, and WCL § 117(1) authorizes the Chair of the Workers’ Compensation Board (Board) to adopt reasonable rules consistent with, and supplemental to, the provisions of the WCL.

2. Legislative objectives: The proposed amendments seek to modify the drug formulary based on review and consideration of suggestions made by interested parties as required by section 13-p of the WCL.

3. Needs and benefits: Workers’ Compensation Law § 13-p required the Chair to consider suggestions made for changes to the formulary. The proposed amendment incorporates proposed modifications to the formu-

lary in response to feedback received, as the intent is for the drug formulary to evolve to better address the needs of injured workers.

4. **Costs:** The only costs associated with this proposal would be the minor programming costs to incorporate the minimal changes to the formulary.

5. **Local government mandates:** The proposed amendments do not impose any program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or other special district. However, a municipality or governmental agency that is self-insured is required to comply with the same rules required of insurance carriers.

6. **Paperwork:** The proposal does not impose any new reporting requirements.

7. **Duplication:** The proposal does not duplicate other regulatory initiatives.

8. **Alternatives:** An alternative would be to not update the formulary, but as the legislative objective is to consider the suggestions of interested parties and the Board has considered the suggestions and finds them to be meritorious. Accordingly, not updating the list is not advisable.

9. **Federal standards:** There are no applicable Federal Standards.

10. **Compliance schedule:** All affected pharmacies, carriers, and self-insured employers will have to comply with the proposed changes to the prescription drug formulary by the effective date.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis is not required because the proposed amendments will not have any adverse economic impact or impose any reporting, recordkeeping or other compliance requirements on small businesses or local governments. The proposal amends the drug formulary. These proposed changes will not have any adverse impact on small businesses or local governments.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not required because the proposed amendments will not have any impact rural areas. The proposal amends the drug formulary. These proposed changes will not affect rural areas in any manner.

Job Impact Statement

A Job Impact Statement is not required because the proposed amendments will not have any impact on jobs or employment opportunities. The proposal amends the drug formulary. These proposed changes will not affect jobs or employment opportunities in any manner.

REVISED RULE MAKING NO HEARING(S) SCHEDULED

Medical Treatment Guidelines

I.D. No. WCB-31-19-00018-RP

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

Proposed Action: Amendment of section 324.2 of Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, sections 13, 13-a, 117 and 141

Subject: Medical Treatment Guidelines.

Purpose: Add guidelines for treatment of hip and groin, foot and ankle, elbow, and occupational interstitial lung disease.

Text of revised rule: Section 324.2 of Title 12 NYCRR is hereby amended to read as follows:

(a) Medical Treatment Guidelines. Regardless of the date of accident or date of disablement, treatment of on the job injuries, illnesses, or occupational diseases to a worker's lumbar, thoracic, or cervical spine, shoulder or knee, or for carpal tunnel syndrome, [or] non-acute pain, *hip or groin, foot or ankle, elbow, or occupational interstitial lung disease* shall be consistent with the Medical Treatment Guidelines set forth in paragraphs (1) through [(6)] (10) of this subdivision. The operative Medical Treatment Guidelines shall be the Medical Treatment Guidelines in place on the date on which medical services are rendered. All Treating Medical Providers shall treat all existing and new workers' compensation injuries, illnesses, or occupational diseases, except as provided in section 324.3 of this Part, in accordance with the following:

(1) for the lumbar and thoracic spine, the New York Mid and Low Back Injury Medical Treatment Guidelines, Third Edition, September 15, 2014, effective November 1, 2014, which is herein incorporated by reference;

(2) for the cervical spine, the New York Neck Injury Medical Treatment Guidelines, Third Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference;

(3) for the knee, with the New York Knee Injury Medical Treatment Guidelines, Third Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference;

(4) for the shoulder, the New York Shoulder Injury Medical Treatment Guidelines, Third Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference; and

(5) for carpal tunnel syndrome, the New York Carpal Tunnel Syndrome Medical Treatment Guidelines, Second Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference; and,

(6) for non-acute pain, the New York Non-Acute Pain Medical Treatment Guidelines, First Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference.

(7) *for the hip and groin, the New York Hip/Groin Medical Treatment Guideline, First Edition, March 18, 2020, effective July 1, 2020, which is incorporated herein by reference; and*

(8) *for the foot and ankle, the New York Foot/Ankle Medical Treatment Guideline, First Edition, March 18, 2020, effective July 1, 2020, which is incorporated herein by reference; and*

(9) *for the elbow, the New York Elbow Medical Treatment Guideline, first edition, March 18, 2020 effective July 1, 2020, herein incorporated by reference; and*

(10) *for occupational interstitial lung disease, the New York Occupational Interstitial Lung Disease Medical Treatment Guideline, first edition, March 18, 2020, effective July 1, 2020, herein incorporated by reference.*

(b) Obtaining the medical treatment guidelines. The New York Mid and Low Back Injury Medical Treatment Guidelines, New York Neck Injury Medical Treatment Guidelines, New York Knee Injury Medical Treatment Guidelines, New York Shoulder Injury Medical Treatment Guidelines, New York Carpal Tunnel Syndrome Medical Treatment Guidelines, and New York Non-Acute Pain Medical Treatment Guidelines, New York Hip and Groin Medical Treatment Guidelines, *New York Foot and Ankle Medical Treatment Guidelines, New York Elbow Medical Treatment Guidelines, and New York Occupational Interstitial Lung Disease Medical Treatment Guidelines* incorporated by reference herein may be examined at the office of the Department of State, 99 Washington Avenue, Albany, New York, 12231, the Legislative Library, the libraries of the New York State Supreme Court, and the district offices of the Board. Copies may be downloaded from the Board's website or obtained from the Board by submitting a request in writing, with the appropriate fee, identifying the specific guideline requested and the choice of format to Publications, New York State Workers' Compensation Board, 328 State Street, Schenectady, New York 12305-2318. Information about the Medical Treatment Guidelines can be requested by email at GENERAL_INFORMATION@wcb.ny.gov, or by telephone at 1-800-781-2362. The Medical Treatment Guidelines are available on paper or compact disc. A fee of \$10 will be charged for each guideline requested in paper format, and a fee of \$5 will be charged for a compact disc containing all guidelines requested. Payment of the fee shall be made by check or money order payable to "Chair WCB."

(c) Limitations. The Medical Treatment Guidelines in subdivision (a) of this section and this Part are not intended to, and were not prepared with the expectation of, establishing a standard for determining professional liability.

(d) Pre-authorized procedures list.

(1) All medical care consistent with the Medical Treatment Guidelines costing more than \$1,000 is included on the pre-authorized procedures list, except for the medical care set forth in paragraph (2) of this subdivision. Medical care costing more than \$1,000 included on the pre-authorized procedures list are pre-authorized so Treating Medical Providers are not required to request prior authorization.

(2) The following medical care consistent with the Medical Treatment Guidelines costing more than \$1,000 is not included on the pre-authorized procedures list set forth in paragraph (1) of this subdivision so that prior authorization is required:

(i) Lumbar fusion as set forth in E.4 of the New York Mid and Low Back Injury Medical Treatment Guidelines;

(ii) Artificial disc replacement as set forth in E.5 of the New York Mid and Low Back Injury Medical Treatment Guidelines, and in E.3 of the New York Neck Injury Medical Treatment Guidelines;

(iii) Vertebroplasty as set forth in E.6.a.i. of the New York Mid and Low Back Injury Medical Treatment Guidelines;

(iv) Kyphoplasty as set forth in E.6.a.i. of the New York Mid and Low Back Injury Medical Treatment Guidelines;

(v) Electrical bone stimulation as set forth in the New York Mid and Low Back Injury Medical Treatment Guidelines and the New York Neck Injury Medical Treatment Guidelines;

(vi) Osteochondral autograft as set forth in D.1.f and Table 4 of the New York Knee Injury Medical Treatment Guidelines;

(vii) Autologous chondrocyte implantation as set forth in D.1.f., Table 5, and D.1.g. of the New York Knee Injury Medical Treatment Guidelines;

(viii) Meniscal allograft transplantation as set forth in D.6.f., Table 8, and D.7. of the New York Knee Injury Medical Treatment Guidelines;

(ix) Knee arthroplasty (total or partial knee joint replacement) as set forth in F.2. and Table 11 of the New York Knee Injury Medical Treatment Guidelines;

(x) Spinal Cord Pain Stimulators as set forth in G.1 of the Non-Acute Pain Medical Treatment Guidelines; and,

(xi) Intrathecal Drug Delivery (Pain Pumps) as set forth in G.2 of the Non-Acute Pain Medical Treatment Guidelines.

(3) Notwithstanding that a surgical procedure is consistent with the guidelines, a second or subsequent performance of such surgical procedure shall require prior approval if it is repeated because of the failure or incomplete success of the same surgical procedure performed earlier, and if the Medical Treatment Guidelines do not specifically address multiple procedures.

(e) Variances from the Medical Treatment Guidelines are permissible only as provided in section 324.3 of this Part.

(f) Maximum medical improvement shall not preclude the provision of medically necessary care for claimants. Such care shall be medically necessary to maintain function at the maximum medical improvement level or to improve function following an exacerbation of the claimant's condition. Post-maximum medical improvement medical services shall conform to the relevant Medical Treatment Guidelines, except as provided in section 324.3 of this Part.

Revised rule compared with proposed rule: Substantial revisions were made in section 324.2.

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

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

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

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

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

Revised Job Impact Statement

The proposed rule will not have an adverse impact on jobs. The proposed rule amends Section 324.2 of Part 324 of 12 NYCRR, known as the Medical Treatment Guidelines (Guidelines), to add four new Guidelines: Hip and Groin, Foot and Ankle, Elbow, and Occupational Interstitial Lung Disease.

The rule does not eliminate any existing process, procedure, or program, and will not result in an adverse impact on jobs.

Assessment of Public Comment

During the public comment period, the Board received approximately 13 unique written comments.

Elbow

The Board received a comment from a Third-Party Administrator (TPA) seeking clarification as to the fee schedule and frequency for injections for treatment of chronic lateral epicondylalgia. The Board has added a clarifying change to this section in response to this comment.

Foot and Ankle

The Board received a comment from a physician opining that the recommendations in the Nerve Conduction Study section of the Foot and Ankle MTG are inaccurate, and that NCS and EMG studies are necessary to establish the diagnosis and monitor for recovery or deterioration, and that they should be pre-authorized by the MTGs. The Board has made changes to the language in the initial diagnosis definition and for EMG and NCS as appropriate in response to this comment.

The Board received a comment from a provider expressing support for most of the proposal but opined that the six-month time frame for indications for surgery seems arbitrary, pointing to some current literature suggesting less time. Another comment from a provider expressed concern about this provision, as well, and states it seems to contradict the idea that ankle injuries are considered chronic after three months. The Board has made a change shortening this time frame in response to these comments.

The Board received a comment from a TPA opining that PRP injections should be commented on for every ankle diagnosis, and that the MTG should include parameters for frequency of the injections. This comment also expressed confusion about diagnosis of foot drop and whether the claimant needs to have the ankle established only for this diagnosis. The

Board does not believe that recommendations on treatment in every ankle diagnosis is necessary, so no change has been made to the proposal in response to this comment.

Hip and Groin

The Board received a comment from a TPA suggesting the addition of parameters to the section governing injection therapy to address the maximum number per year, as is done in the back and neck MTGs. The Board added a maximum injection amount in response to this comment.

Interstitial Lung Disease

The Board received a comment from two physicians regarding the proposed Interstitial Lung Disease (ILD) MTG. The physicians recommended a disclaimer be added into Table 1 (ILD Conditions, Etiologic, Latency) to say that ILD is a broad category and the list of conditions is not all inclusive. The physicians also recommended adding work-related Sarcoidosis to the "Other Granulomatous Disease" category, and recommended separating Toxic Inhalation Injury into its own category (instead of in the same category as granulomatous disease). Finally, the comment suggested adding language to cover cardiac complications in the Management of ILD section as mentioned in the Section B2 introduction. The Board has made changes to the proposal in response to this comment.

General

The Board received a comment from an association recommending postponement of the addition of new guidelines to allow for evaluation of the American College of Occupational and Environmental Medicine Guidelines and input from orthopaedic surgeons. As is clearly set forth in each of the proposed MTG, the Medical Advisory Committee was integral to the development of each Guideline. Accordingly, no change has been made as a result of this comment.

The Board received a comment from an individual supporting the MTGs but pointing out several typographical errors. The typographical errors have been corrected.

The Board received comments from individuals and from an insurance carrier supporting the proposal in its entirety.

Changes made to the proposal:

Elbow:

- Added "one" to clarify the injection frequency for the treatment of chronic lateral epicondylalgia

Foot and Ankle:

- Adjustment made to definition of initial diagnosis
- Added language to allow both EMG and NCS as appropriate
- Timeframe to surgery adjusted downward

Hip and Groin:

- Added a maximum of 3 injections for C7(d)(ii)

Interstitial Lung Disease:

- Modified Table 1 title
- Language modified to "but are not limited to" to encompass work-related sarcoidosis, for example
- Corrected the placement of Toxic Inhalation Injury in the guideline
- Added language to cover cardiac complications

HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No.	Subject Matter	Location—Date—Time
Education Department		
EDU-11-20-00013-P	Special education impartial hearing officers and the special education due process system procedures	1411 Broadway, New York, NY—May 18, 2020, 10:00 a.m. ACCES/VR, 80 Wolf Rd., Suite 200, Albany, NY—June 11, 2020, 10:00 a.m. Monroe 2—Orleans BOCES, 160 Wallace Way, Bldg. 9, Rochester, NY—June 11, 2020, 10:00 a.m.
Environmental Conservation, Department of		
ENV-05-20-00001-P	Use of ultra low sulfur diesel fuel and best available retrofit technology for heavy duty vehicles	Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—April 10, 2020, 11:00 a.m.
ENV-05-20-00002-P	Sulfur-in fuel limitations	Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—April 10, 2020, 11:00 a.m.
ENV-06-20-00018-P	Repeal and replacement of 6 NYCRR Part 230 gasoline dispensing sites and transport vehicles	Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—April 14, 2020, 11:00 a.m. Department of Transportation, One Hunter's Point Plaza, 47-40 21st St., Rm. 834, Long Island City, NY—April 15, 2020, 11:00 a.m. Department of Environmental Conservation, 6274 Avon-Lima Rd., Rtes. 5 and 20, Conference Rm., Avon, NY—April 16, 2020, 11:00 a.m.
ENV-06-20-00019-P	Consumer products	Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—April 14, 2020, 11:00 a.m. Department of Transportation, One Hunter's Point Plaza, 47-40 21st St., Rm. 834, Long Island City, NY—April 15, 2020, 11:00 a.m. Department of Environmental Conservation, 6274 Avon-Lima Rd., Rtes. 5 and 20, Conference Rm., Avon, NY—April 16, 2020, 11:00 a.m.
ENV-06-20-00020-P	New source review requirements for proposed new major facilities and major modifications to existing facilities	Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—April 14, 2020, 11:00 a.m. Department of Transportation, One Hunter's Point Plaza, 47-40 21st St., Rm. 834, Long Island City, NY—April 15, 2020, 11:00 a.m. Department of Environmental Conservation, 6274 Avon-Lima Rd., Rtes. 5 and 20, Conference Rm., Avon, NY—April 16, 2020, 11:00 a.m.
Long Island Power Authority		
LPA-09-20-00009-P	LIPA's tariff for buy-back service (Service Classification No. 11)	Rose Caracappa Auditorium, William H Rogers Bldg. #20, 725 Veterans Memorial Hwy., Smithtown, NY—May 4, 2020, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—May 4, 2020, 2:00 p.m.
LPA-09-20-00010-P	To update and implement latest requirements for ESCOs proposing to do business within the authority's service territory	Rose Caracappa Auditorium, William H Rogers Bldg. #20, 725 Veterans Memorial Hwy., Smithtown, NY—May 4, 2020, 10:00 a.m.

LPA-09-20-000011-P	The modification of service classification No. 13 - Negotiated Contracts	<p>Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—May 4, 2020, 2:00 p.m.</p> <p>Rose Caracappa Auditorium, William H Rogers Bldg. #20, 725 Veterans Memorial Hwy., Smithtown, NY—May 4, 2020, 10:00 a.m.</p>
LPA-09-20-000012-P	The smart grid small generator interconnection procedures	<p>Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—May 4, 2020, 2:00 p.m.</p> <p>Rose Caracappa Auditorium, William H Rogers Bldg. #20, 725 Veterans Memorial Hwy., Smithtown, NY—May 4, 2020, 10:00 a.m.</p>
LPA-09-20-000013-P	The Long Island choice provisions of the authority's tariff	<p>Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—May 4, 2020, 2:00 p.m.</p> <p>Rose Caracappa Auditorium, William H Rogers Bldg. #20, 725 Veterans Memorial Hwy., Smithtown, NY—May 4, 2020, 10:00 a.m.</p> <p>Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—May 4, 2020, 2:00 p.m.</p>

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
AGING, OFFICE FOR THE			
AGE-34-19-00014-P	08/20/20	Limits on Administrative Expenses and Executive Compensation	To bring this rule into compliance with current law in New York State
ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF			
ASA-10-20-00002-P	03/11/21	Credentialing of addiction professionals	Outlines the regulatory requirements for persons seeking credentialing as an addiction professional
AUDIT AND CONTROL, DEPARTMENT OF			
AAC-07-20-00012-P	02/18/21	Approval of contracts made by MTA and the NYCTA	Modify existing time frames for the approval of MTA and NYCTA contracts to conform with the MTA Reform and Traffic Mobility Act
BRIDGE AUTHORITY, NEW YORK STATE			
SBA-01-20-00004-P	exempt	A proposal to amend the NYS Bridge Authority Toll Schedule.	To amend toll schedule for vehicular bridges controlled by the NYS Bridge Authority in order to provide additional revenue.
SBA-01-20-00005-P	03/09/21	Toll collection and violations.	To amend toll collection procedures and implement toll violation enforcement on NYSBA bridges.
CHILDREN AND FAMILY SERVICES, OFFICE OF			
*CFS-51-18-00010-RP	03/18/20	Residential and non-residential services to victims of domestic violence	To conform the existing regulations to comply with state and federal laws regarding services to victims of domestic violence
CFS-39-19-00005-ERP	09/24/20	Implement federal statutory requirements to include enhanced background checks, annual inspections, annual training and safety	Implement federal statutory requirements to include enhanced background checks, annual inspections, annual training and safety

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-39-19-00007-ERP	09/24/20	Implement statutory requirements to include enhanced background checks, annual inspections, annual training and safety.	Implement statutory requirements to include enhanced background checks, annual inspections, annual training and safety.
CFS-42-19-00002-P	10/15/20	Permissible disclosure of records maintained by OCFS.	To amend existing regulations regarding the permissible disclosure of records by OCFS.
CFS-46-19-00002-P	11/12/20	Behavioral health services, elimination of room isolation and authority to operate de-escalation rooms	To implement standards for behavioral health services and the operation of de-escalation rooms and to eliminate room isolation
CFS-49-19-00001-P	12/03/20	Limits on executive compensation	To remove the soft cap limit on executive compensation
CFS-04-20-00009-P	01/28/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
CFS-06-20-00021-EP	02/11/21	Categories of relatives eligible to become a foster parent of a child in non-relative foster care.	Regulations are necessary to comply with legislative changes to Family Court Act section 1028-a by Ch. 434 of L. 2019.
CIVIL SERVICE, DEPARTMENT OF			
CVS-25-19-00006-P	06/18/20	Jurisdictional Classification	To classify positions in the non-competitive class.
CVS-34-19-00011-P	08/20/20	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-42-19-00010-P	10/15/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-42-19-00014-P	10/15/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-42-19-00020-P	10/15/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-42-19-00021-P	10/15/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-42-19-00023-P	10/15/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-42-19-00024-P	10/15/20	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-45-19-00003-P	11/05/20	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-45-19-00004-P	11/05/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-45-19-00005-P	11/05/20	Jurisdictional Classification	To delete positions from and classify a position in the non-competitive class
CVS-45-19-00006-P	11/05/20	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-45-19-00007-P	11/05/20	Jurisdictional Classification	To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-45-19-00009-P	11/05/20	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-51-19-00002-P	12/17/20	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-51-19-00003-P	12/17/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-51-19-00004-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00005-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00006-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00007-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00008-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00009-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00010-P	12/17/20	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-51-19-00011-P	12/17/20	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-51-19-00012-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00013-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00014-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00003-P	01/21/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00004-P	01/21/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-03-20-00005-P	01/21/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-03-20-00006-P	01/21/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-03-20-00007-P	01/21/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-06-20-00001-P	02/11/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-06-20-00002-P	02/11/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-06-20-00003-P	02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-06-20-00004-P	..... 02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00005-P	..... 02/11/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-06-20-00006-P	..... 02/11/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-06-20-00007-P	..... 02/11/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class
CVS-06-20-00008-P	..... 02/11/21	Jurisdictional Classification	To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes
CORRECTION, STATE COMMISSION OF			
CMC-35-19-00002-P	..... 08/27/20	Disciplinary and administrative segregation of inmates in special housing.	Prohibit the segregation of vulnerable inmates, and to standardize allowable uses and duration of special housing segregation.
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-21-19-00014-P	..... 05/21/20	Adolescent Offender Facilities	To reclassify two existing correctional facilities to adolescent offender facilities.
CCS-35-19-00001-P	..... 08/27/20	Special Housing Units	Revisions have been made in order to be in compliance with new laws regarding special housing units and solitary confinement use
CCS-50-19-00002-P	..... 12/10/20	Raise the Age	To update each correctional facility's regulation as a direct result of the Raise the Age legislation
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-20-19-00003-P	..... 05/14/20	Certified Instructors and Course Directors	Establish/maintain effective procedures governing certified instructors and course directors who deliver MPTC-approved courses
CJS-30-19-00010-ERP	..... 07/23/20	Use of Force	Set forth use of force reporting and recordkeeping procedures
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-09-20-00007-P	..... 03/04/21	Minority and Women-Owned Business Enterprise Program	Update the regulations of the Division of Minority and Women's Business Development
EDV-10-20-00001-P	..... 03/11/21	Empire state entertainment diversity job training development program	To implement the administrative processes for the entertainment diversity job training development program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-17-19-00008-P	04/23/20	To require study in language acquisition and literacy development of English language learners in certain teacher preparation	To ensure that newly certified teachers enter the workforce fully prepared to serve our ELL population
EDU-27-19-00010-P	07/02/20	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-39-19-00009-RP	09/24/20	Requirements for Licensure as an Architect	To more closely align the Commissioner's Regulations with national standards for licensure as an architect.
EDU-43-19-00012-ERP	10/22/20	Annual Professional Performance Reviews of Classroom Teachers and Building Principals	Necessary to implement part YYY of chapter 59 of the Laws of 2019
EDU-52-19-00007-P	12/23/20	Update Provisions Relating to Pupil Transportation	To update provisions of the Commissioner's Regulations relating to pupil transportation
EDU-52-19-00008-EP	12/23/20	Restricted License for Clinical Laboratory Technologist	Implement chapter 227 of 2019 by adding toxicology to the category of restricted licenses for clinical laboratory technologists
EDU-52-19-00009-EP	12/23/20	Continuing Education in the Profession of Public Accountancy	Implement the provisions of chapter 413 of the Laws of 2018
EDU-52-19-00010-EP	12/23/20	Duties and responsibilities of the counsel of the State Education Department	To designate counsel as the deputy commissioner of education as specified in Education Law, section 101
EDU-04-20-00005-P	01/28/21	Residency Program Requirement for Dental Licensure	Adds dental anesthesiology to the list of accredited residency programs in a specialty of dentistry.
EDU-04-20-00006-P	01/28/21	Financial Transparency and Data Reporting Requirements for Charter Schools	To establish criteria and procedures relating to charter financial transparency reporting to ensure compliance with ESSA.
EDU-04-20-00007-P	01/28/21	Time Extension of Initial, Transitional and Provisional Certificates	To provide educators with a Time Extension after the issuance of their first Initial or Provisional certificate.
EDU-04-20-00008-EP	01/28/21	ESSA Financial Transparency Reporting Requirements.	To implement financial transparency reporting requirements of ESSA.
EDU-08-20-00007-P	02/25/21	The Practice of Psychology, Social Work and Mental Health Practitioner Professions	To implement part Y of chapter 57 of the laws of 2018
EDU-08-20-00008-P	02/25/21	The Composition of the Professional Standards and Practices Board for Teaching (PSPB)	To require the PSPB to have at least four members who are practicing, certified school building or district administrator
EDU-08-20-00009-P	02/25/21	Term Limits for Members of the Advisory Committee on Long-Term Clinical Clerkships	To remove the two term limit for committee members to most effectively advise the Board of Regents and the Department
EDU-11-20-00013-P	03/23/21	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-11-20-00014-P	03/18/21	Local Government Records Management	To issue a new records retention and disposition schedule LGS-1

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-11-20-00015-EP	03/18/21	Military Ballots for School District and School District Public Library Elections, Budget, and Referenda	To implement chapter 489 of the Laws of 2019 which added section 2018-d to the Education Law
EDU-11-20-00016-P	03/18/21	Eligibility Requirements for Loan Forgiveness and Grant Programs	Conforms Commissioner's regulations to the DREAM Act relating to student's eligibility for loan forgiveness and grant programs
ELECTIONS, STATE BOARD OF			
SBE-22-19-00003-EP	05/28/20	Process for Early Voting	Establishing Process for Early Voting
SBE-02-20-00002-P	01/14/21	Combine the 10 Day Post Primary Filing with the July 15th disclosure statement	This amendment combines the 10 Day Post Primary Filing with the July 15th disclosure statement that political committees file
ELECTRIC GENERATION SITING AND THE ENVIRONMENT, NEW YORK STATE BOARD ON			
EGS-09-20-00001-EP	03/04/21	Regulations Implementing Article 10 of the Public Service Law - Definitions.	To amend the regulatory definitions of "modification" and "revision" of an Article 10 application for a CECPN.
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-18-19-00006-EP	04/30/20	Regulations governing commercial fishing and harvest of scup.	To revise regulations concerning the commercial harvest of scup in New York State waters.
ENV-27-19-00003-P	07/02/20	Black Bear hunting.	Expand bear hunting opportunities in Wildlife Management Unit 4W to reduce bear abundance.
ENV-36-19-00003-P	11/07/20	Stationary Combustion Installations	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and lower emission standards.
ENV-37-19-00003-P	09/10/20	Clarifying determination of jurisdiction under the Endangered and Threatened Fish and Wildlife regulations	To improve the review of projects by removing some project types that are known not to cause harm from the review stream
ENV-38-19-00001-P	09/17/20	Animals dangerous to health or welfare	To expand the list of animals which pose a risk to health or welfare of the people of the state or indigenous fish and wildlife
ENV-43-19-00006-P	01/07/21	Class I and Class SD waters	To clarify best usages of Class I and SD waters were/are "secondary contact recreation and fishing" and "fishing," respectively
ENV-43-19-00010-P	01/06/21	Repeal and replace 6 NYCRR Part 622 and amend 6 NYCRR Part 624, Part 621 and Part 620	To incorporate procedural and legal developments, develop consistency & reflect current practice in DEC hearings
ENV-53-19-00016-P	03/09/21	Certain substances that contain hydrofluorocarbons, highly-potent greenhouse gases	Remove greenhouse gas emission sources that endanger public health and the environment
ENV-04-20-00004-EP	01/28/21	Regulations governing commercial fishing of quota managed species.	To improve efficiency, reduce waste, and increase safety in marine commercial fisheries.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-05-20-00001-P	04/10/21	Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology for Heavy Duty Vehicles	Updating to meet with statutory deadline
ENV-05-20-00002-P	04/10/21	Sulfur-in Fuel Limitations	Limit sulfur in liquid and solid fuels throughout NYS
ENV-06-20-00018-P	04/16/21	The repeal and replacement of 6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles	To further reduce harmful volatile organic compounds (VOCs) emitted into the atmosphere.
ENV-06-20-00019-P	04/16/21	Consumer Products	Reduce Volatile Organic Compound emissions from Consumer Products - those products used in the average household.
ENV-06-20-00020-P	04/16/21	New Source Review requirements for proposed new major facilities and major modifications to existing facilities.	To conform to federal NSR rule requirements and related court rulings, correct typographical errors, and clarify rule language.
ENV-11-20-00002-P	03/18/21	Brookfield Trail System	To protect public safety and natural resources on the Brookfield Trail System
ENV-11-20-00004-EP	03/18/21	Management of sharks, squid and Atlantic cod	To revise regulations concerning size, trip, and possession limits for sharks, squid and Atlantic cod
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-33-19-00004-P	08/13/20	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To set forth minimum standards for the content of health insurance identification cards.
DFS-43-19-00017-P	10/22/20	INDEPENDENT DISPUTE RESOLUTION FOR EMERGENCY SERVICES AND SURPRISE BILLS	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided
DFS-48-19-00002-P	11/26/20	SUPERINTENDENT'S REGULATIONS: INFORMATION SUBJECT TO CONFIDENTIAL TREATMENT	Provide rules concerning publication or disclosure of information subject to confidential treatment
DFS-51-19-00015-P	12/17/20	Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	Clarifying discriminatory activities prohibited by and coverages included within preventive care and screenings under the IL
DFS-53-19-00013-EP	12/30/20	Rules Governing the Procedures for Adjudicatory Proceedings Before the Department of Financial Services	To unify and clarify the procedures for adjudicatory proceedings before the Department of Financial Services
DFS-53-19-00014-EP	12/30/20	Charges for Professional Health Services	To delay the effective date of the workers' compensation fee schedules for no-fault reimbursement.

Action Pending Index**NYS Register/March 18, 2020**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-53-19-00015-EP	12/30/20	Supplementary Uninsured/Underinsured Motorist Coverage	To comport with statutory amendments to Chapter 59, Part III of the Laws of 2019 and Insurance Law Section 3420(f)
DFS-01-20-00002-P	01/07/21	Certification of Compliance, Due Date	To amend the date by which Covered Entities must submit a certification of compliance, from February to April.
DFS-03-20-00011-EP	01/21/21	Valuation of Life Insurance Reserves; Recognition of the 2001 CSO Mortality Table and the 2017 CSO Mortality Table, et al	Prescribes 2001 CSO ultimate mortality for guaranteed issue policies issued on or after 1/1/20 and extends 2015 reserve relief
DFS-07-20-00015-P	02/18/21	Audited Financial Statements	To require insurers meeting a certain premium threshold to establish and maintain an internal audit function.
DFS-08-20-00011-P	02/25/21	Public Access to Department Records	To update regulations regarding public access to records of the Department of Financial Services
DFS-09-20-00008-P	03/04/21	Enterprise Risk Management and Own Risk and Solvency Assessment; Group-Wide Supervision	To authorize the Superintendent to act as the group-wide supervisor for an internationally active insurance groups
DFS-11-20-00001-P	03/18/21	Corporate Governance	To require an authorized insurer to adopt a corporate governance framework and file an annual disclosure

GAMING COMMISSION, NEW YORK STATE

SGC-01-20-00006-P	01/07/21	Permit Thoroughbred horses with digital tattoos to race in New York	To promote the integrity of racing and derive a reasonable return for government
SGC-07-20-00002-P	02/18/21	Allow claimant to void claim of lame horse	To enhance horse health and safety in thoroughbred racing
SGC-07-20-00003-P	02/18/21	Spanish 21, a blackjack variant to be offered in commercial casinos.	To set forth the practices and procedures for the operation of Spanish 21 as a casino table game.
SGC-07-20-00004-P	02/18/21	Relating to the provision of social security numbers.	Limit collection of social security numbers.
SGC-07-20-00014-P	02/18/21	Thoroughbred pick-five and pick-six wagers.	To improve the pick-five and pick-six wagers in thoroughbred racing.
SGC-11-20-00012-P	03/18/21	Joint injections in Thoroughbred racing	To improve integrity, health and safety of Thoroughbred horse racing

GENERAL SERVICES, OFFICE OF

GNS-40-19-00005-P	10/01/20	Facility Use	To add "plastic knuckles" and remove "gravity knife" from the definition of "deadly weapon"
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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
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-30-19-00006-RP	07/23/20	Maximum Contaminant Levels (MCLs)	Incorporating MCLs for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS) and 1,4-dioxane.
HLT-36-19-00006-P	09/03/20	Limits on Executive Compensation	Removes "Soft Cap" prohibition on covered executive salaries.
HLT-40-19-00004-P	10/01/20	Drug Take Back	To implement the State's drug take back program to provide for the safe disposal of drugs
HLT-43-19-00005-P	10/22/20	Transitional Adult Home Admission Standards for Individuals with Serious Mental Illness	Delineate a clear pre-admissions process for determining whether a prospective resident is a person with serious mental illness
HLT-46-19-00003-P	11/12/20	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age
HLT-47-19-00008-P	11/19/20	Hospital Medical Staff - Limited Permit Holders	To repeal extra years of training required for limited permit holders to work in New York State hospitals.
HLT-47-19-00009-P	11/19/20	Empire Clinical Research Investigator Program (ECRIP)	To expand the types of & change the time frames for past research grants that qualify staff to supervise the ECRIP project.
HLT-48-19-00003-EP	11/26/20	Secondary Syringe Exchange in New York State	To reduce the spread of blood-borne pathogens, to reduce or eliminate other harms associated with contaminated syringes
HLT-51-19-00001-P	12/17/20	Women, Infants and Children (WIC) Program	To support implementation of eWIC; clarify rules for violations, penalties & hearings & conform vendor authorization criteria.
HLT-53-19-00001-P	12/30/20	Prohibition on the Sale of Electronic Liquids with Characterizing Flavors	To prohibit the sale of electronic liquids with characterizing flavors
HLT-53-19-00011-P	12/30/20	Cardiac Services	To amend existing Certificate of Need requirements for approval of adult cardiac surgery centers.
HLT-53-19-00012-P	12/30/20	Consumer Directed Personal Assistance Program Reimbursement	To establish a program to pay home care services & establish a methodology framework for the payment of FI administrative costs.
HLT-04-20-00002-P	01/28/21	Reducing Annual Tuberculosis Testing of Health Care Workers	To replace annual tuberculosis testing of health care workers.
HLT-04-20-00003-P	01/28/21	Applied Behavior Analysis	To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.
HLT-04-20-00011-P	01/28/21	Nursing Home Case Mix Rationalization	To authorize the Department of Health to change the case mix acuity process for all nursing homes.
HLT-04-20-00012-P	01/28/21	State Aid for Public Health Services: Counties and Cities	Clarifying State Aid payments for maintaining a cooling tower program.
HLT-08-20-00001-EP	02/25/21	Communicable Diseases Reporting and Control - Adding Severe or Novel Coronavirus	To require physicians, hospitals, nursing homes, D&TCs and clinical laboratories to report instances of severe or novel coronavirus

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-11-20-00003-P	03/18/21	Adult Day Health Care (ADHC)	To allow for reimbursement of real property leases in certain situations when used for operations of an ADHC program
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
HCR-21-19-00019-P	07/21/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits.
HOUSING FINANCE AGENCY			
HFA-21-19-00020-P	07/21/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits
HUMAN RIGHTS, DIVISION OF			
HRT-27-19-00002-P	07/02/20	Gender Identity or Expression Discrimination	To conform the Division's regulations with Executive Law as amended by Chapter 8 of the Laws of New York 2019.
LABOR, DEPARTMENT OF			
LAB-46-19-00004-P	11/12/20	NY State Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards
LAB-03-20-00012-P	01/21/21	Minimum Wage Tip Allowances	Amendment of regulations governing tip allowances in the Miscellaneous Industries Wage Order
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
LPA-47-19-00017-P	..... exempt	VDER, net metering, and community distributed generation	To update the Authority's tariff for consistency with the Public Service Commission, Department of Public Service, and CLCPA.
LPA-09-20-00009-P	..... exempt	LIPA's Tariff for Buy-Back Service (Service Classification No. 11)	To add a new Feed-In Tariff to supply the newly proposed Solar Communities program
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-09-20-00011-P	..... exempt	The modification of Service Classification No. 13 - Negotiated Contracts	To update the Authority's Tariff and authorize a negotiated contract with the Suffolk County Department of Public Works
LPA-09-20-00012-P	..... exempt	The Smart Grid Small Generator Interconnection Procedures	To be consistent with the New York State Standardized Interconnection Requirements
LPA-09-20-00013-P	..... exempt	The Long Island Choice provisions of the Authority's Tariff.	To enable CCA formation within the Long Island Choice Program.
MENTAL HEALTH, OFFICE OF			
OMH-46-19-00005-P	..... 11/12/20	Definition of "Case record, clinical record, medical record or patient record"	To clarify that the agency does not consider the provision to apply to the definition of "record" as set forth in MHL 9.01
OMH-47-19-00001-P	..... 11/19/20	Limits on Executive Compensation	To eliminate "soft cap" restrictions on compensation.
METROPOLITAN TRANSPORTATION AGENCY			
MTA-23-19-00006-EP	..... 06/04/20	Debarment of contractors	To comply with Public Authorities Law, section 1279-h, which requires the MTA to establish a debarment process for contractors
MOTOR VEHICLES, DEPARTMENT OF			
MTV-07-20-00005-P	..... 02/18/21	Electronic transmission of data by dismantlers and scrap processors	To establish procedures for the electronic transmission of data by dismantlers and scrap processors
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
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*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-06-20-00009-EP	..... 02/11/21	Creates Extended Treatment Units	To provide service and supports for individuals in crisis
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

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PUBLIC SERVICE COMMISSION			
*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 its AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with its 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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

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PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
*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).

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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 HDfC, 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
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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 tarified definition of emergency generator.	To consider waiver of RG&E's tarified 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
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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 Aspiry for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-47-18-00008-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
*PSC-01-19-00004-P	..... exempt	Advanced Metering Infrastructure.	To determine whether Niagara Mohawk Power Corporation d/b/a National Grid should implement advanced metering infrastructure.
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-19-19-00014-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 124 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 124 MW electric generating facility.
PSC-19-19-00016-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 242 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 242 MW electric generating facility.
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-20-19-00015-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 105.8 MW electric generating facility	Consideration of a lightened regulatory regime for an approximately 105.8 MW electric generating facility
PSC-23-19-00005-P	..... exempt	Proposed major rate increase in SWNY's annual base revenues of approximately \$31.5 million (or 19.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-19-00011-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
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-31-19-00015-P	..... exempt	Proposed major rate increase in KEDNY's gas delivery revenues by \$236.8 million (13.6% increase in total revenues).	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-31-19-00016-P	..... exempt	Proposed major rate increase in KEDLI's gas delivery revenues of approximately \$49.4 million (or 4.1% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-32-19-00008-P	..... exempt	Compensation of distributed energy resources	To ensure just and reasonable rates, including compensation, for distributed energy resources
PSC-32-19-00010-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
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-32-19-00013-P	..... exempt	Disposition of tax refunds received by New York American Water Company, Inc.	To determine the disposition of tax refunds and other related matters
PSC-34-19-00015-P	..... exempt	Major electric rate filing.	To consider a proposed increase in RG&E's electric delivery revenues of approximately \$31.7 million (or 4.1% in total revenues).
PSC-34-19-00016-P	..... exempt	Major gas rate filing.	To consider a proposed increase in RG&E's gas delivery revenues of approximately \$5.8 million (or 1.4% in total revenues).
PSC-34-19-00017-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-34-19-00018-P	..... exempt	Major electric rate filing.	To consider a proposed increase in NYSEG's electric delivery revenues of approximately \$156.7 million (10.4% in total revenues).
PSC-34-19-00020-P	..... exempt	Major gas rate filing.	To consider a proposed increase in NYSEG's gas delivery revenues of approximately \$6.3 million (or 1.4% in total revenues).
PSC-36-19-00009-P	..... exempt	Minor 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-36-19-00011-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-37-19-00004-P	..... exempt	Proposed transfer of Hopewell's assets to the Town and dissolution of the company.	To determine if transfer of the water system to the Town of East Fishkill is in the public interest.
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-39-19-00020-P	..... exempt	Initial Tariff Schedule, P.S.C. No. 1 - Water.	To ensure safe and adequate service at just and reasonable rates charged to customers without preferences.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-43-19-00014-P	..... exempt	Petition for the use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-43-19-00015-P	..... exempt	Modifications to the Gas Cost Factor and Daily Delivery Service Programs.	To consider a rehearing petition filed by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.
PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-45-19-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-45-19-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-45-19-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
PSC-47-19-00011-P	..... exempt	Waiver of National Grid's code of conduct to allow for use of its name.	To determine if it is in the public interest to allow for the use of National Grid's name in the weatherization program.
PSC-47-19-00013-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-48-19-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-19-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-19-00007-P	..... exempt	Extension of the State Universal Service Fund.	To continue to provide universal service at a reasonable rate in certain service territories.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-49-19-00004-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-49-19-00005-P	..... exempt	Sale of Street Lighting Facilities to the Town of Farmington.	To consider the transfer of street lighting facilities to the Town of Farmington.
PSC-50-19-00004-P	..... exempt	Petition to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-50-19-00005-P	..... exempt	Modifications and clarifications to the DCFC Per-Plug Incentive Program.	To clarify certain elements of the DCFC Per-Plug Incentive Program and consider modifications to the Program.
PSC-50-19-00006-P	..... exempt	Compensation of and incentives for distributed energy resources.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-50-19-00007-P	..... exempt	Participation of customers served under P.S.C. No. 12 (PASNY) in CDG projects receiving Value Stack compensation.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-52-19-00001-P	..... exempt	SUEZ Water New York Inc.'s acquisition of 100% of Heritage Hills Water Works Corporation's assets.	To determine if the proposed acquisition is in the public interest.
PSC-52-19-00003-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-52-19-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-52-19-00005-P	..... exempt	Compensation of and rates for distributed energy resources.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-52-19-00006-P	..... exempt	Authorization to defer pension settlement losses.	To address the ratemaking related to the pension settlement losses.
PSC-53-19-00003-P	..... 12/30/20	Technical Amendments of State regulations and Administrative Corrections	To make the provision of natural gas service safer in New York State
PSC-53-19-00004-P	..... 12/30/20	Technical Amendments of State regulations and Administrative Corrections	To make the provision of natural gas service safer in New York State.
PSC-53-19-00006-P	..... exempt	To amend the terms to which the customer must abide when discontinuing gas service.	To ensure safe and adequate service at just and reasonable rates charged to customers without preferences.
PSC-53-19-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-53-19-00008-P	..... exempt	Extension of time for issuance of securities and other forms of indebtedness.	To consider an additional twelve months for the issuance of securities and other forms of indebtedness.
PSC-53-19-00009-P	..... exempt	Transfer of street lighting facilities.	To consider whether the transfer of certain street lighting facilities is in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-53-19-00010-P	..... exempt	To clarify the term “customer” under Rule 28 - Special Services Performed by Company for Customer at a Charge.	To ensure safe and adequate service at just and reasonable rates charged to customers without preferences.
PSC-01-20-00007-P	..... exempt	Proposed tariff revisions and clarifications for the summer 2020 capability period.	To have more efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-01-20-00008-P	..... exempt	Request for waiver of 16 NYCRR § 96.5(k)(3).	To consider the request for waiver of the energy audit requirement requirement per 16 NYCRR 96.5(k)(3).
PSC-01-20-00009-P	..... exempt	Modifying RG&E’s DLM dispatch threshold to improve the Commercial System Relief Program.	To have more efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-01-20-00010-P	..... exempt	Proposed transfer of water supply assets and dissolution of the Company.	To determine whether the transfer of water supply assets to the Town of North Collins is in the public interest.
PSC-02-20-00005-P	..... exempt	The 2020 Electric Emergency Response Plans for electric utilities subject to the provisions of PSL § 25-a	To consider the adequacy of the 2020 Electric Emergency Response Plans
PSC-02-20-00006-P	..... exempt	The application of the earnings sharing mechanism related to a partial year period.	To consider O&R’s petition to modify the application of the earnings sharing mechanism.
PSC-03-20-00008-P	..... exempt	Authority to issue and sell unsecured debt obligations	To consider the Company’s request for authority to issue and sell unsecured debt obligations
PSC-03-20-00009-P	..... exempt	Changes to the Utility Energy Registry	To determine appropriate rules for data availability
PSC-03-20-00010-P	..... exempt	Waivers of certain tariff provisions and terms of an agreement for the provision of service	Whether a proposed agreement for provision of service by Saratoga Water Services, Inc. is in the public interest
PSC-04-20-00010-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 consider the petition of Comunilife Woodhull HDfC for waiver of Opinion No. 76-17 and 16 NYCRR Part 96.
PSC-04-20-00014-P	..... exempt	Transfer of the Indian Point site, nuclear waste, and decommissioning and site restoration funds from Entergy to Holtec.	To protect the public interest.
PSC-05-20-00003-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-05-20-00004-P	..... exempt	A statewide Make-Ready Program that that would provide incentives to deploy EVSE&I to charge light duty electric vehicles (EV).	To deploy the infrastructure needed to meet the State’s goals of 850,000 EVs by 2025 and recommend appropriate utility roles.
PSC-05-20-00005-P	..... exempt	Wireline and wireless pole attachment rates.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-05-20-00006-P	..... exempt	Waiver of pipeline reassessment completion deadline while adequate tools to conduct inspection are found.	To ensure the safety of the Clove Lake Segment Pipeline with the use of adequate reassessment tools.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-05-20-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-06-20-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-06-20-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-06-20-00014-P	..... exempt	A program for the procurement of Renewable Energy Certificates from existing renewable resources.	To purchase Renewable Energy Certificates and maintain the State's baseline of existing renewable resources.
PSC-06-20-00015-P	..... exempt	New Tariff Schedule, P.S.C. No. 3 - Water and waiver of rate setting authority.	To provide the rates, rules, and regulations under which water service will be provided to the customers of the system.
PSC-06-20-00016-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-06-20-00017-P	..... exempt	Petitions for rehearing, reconsideration, clarification and stay of the December 12, 2019 Order.	To determine whether the Commission should grant, deny, or modify the relief sought and actions proposed by Petitioners
PSC-07-20-00006-P	..... exempt	Discontinuation of a program administered by Con Edison and removal of the program from the tariff.	Consider discontinuation of the Smart AC Kit Program.
PSC-07-20-00007-P	..... exempt	Procurement of environmental attributes associated with offshore wind resources.	To achieve the State's renewable and clean energy goals.
PSC-07-20-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-07-20-00009-P	..... exempt	Transfer of street lighting facilities.	To consider whether the transfer of certain street lighting facilities is in the public interest.
PSC-07-20-00010-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-07-20-00011-P	..... exempt	Transfer of street lighting facilities.	To consider the transfer of street lighting facilities to the Town of Fallsburg.
PSC-08-20-00002-P	..... exempt	Transfer of stock resulting in a complete ownership transfer.	To determine whether the proposed transfer is in the public interest.
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-08-20-00004-P	..... exempt	Waiver of provisions and service agreement.	To consider if the waiver and the proposed terms of a service agreement are in the public interest.
PSC-08-20-00005-P	..... exempt	The use funding for certain pipeline safety programs.	To ensure appropriate use of funds reserved for gas safety programs.
PSC-08-20-00006-P exempt	To establish procedures and modify terminology for Underground Residential Distribution Systems.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-09-20-00002-P	..... exempt	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-09-20-00003-P	..... exempt	Proposed transfer of the Company's assets to the Town and dissolution of the Company.	To determine if transfer of the water system to the Town of North Greenbush is in the public interest.
PSC-09-20-00004-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-09-20-00005-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-09-20-00006-P	..... exempt	Petition for the use of an electric meter in submetering applications.	Whether to permit the use of the GG electric meter in submetering applications in New York State.
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-10-20-00004-P	..... exempt	Recovery of extraordinary repair expenses and establishment of an escrow account.	To consider if the proposed escrow account is in the public interest.
PSC-10-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Family Energy, Inc. should be granted a waiver to offer two "green gas" products to mass market customers.
PSC-10-20-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-11-20-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-11-20-00007-P	..... exempt	Deferral and recovery of incremental costs and establishment of an extraordinary repair escrow account.	To consider deferring costs related to water main leak repairs for subsequent recovery and establishment of an escrow account.
PSC-11-20-00008-P	..... exempt	Revisions to the proration tariff language.	To consider revisions to the proration tariff language under Leaf 18.1, 18 61 to 64 and Leaf 69.
PSC-11-20-00009-P	..... exempt	Proposed transfer of water supply assets.	To determine whether the transfer of assets from Whitlock to NYAW is in the public interest.
PSC-11-20-00010-P	..... exempt	The proposed transfer of ownership interests in an existing transmission line.	Consideration of whether the proposed transfer is in the public interest.
PSC-11-20-00011-P	..... exempt	Application of the Public Service Law to owners of a proposed 345 kilovolt (kV) transmission line providing wholesale services.	To determine whether to apply a lightened regulatory regime to the owners of a proposed 345 kV transmission line.
STATE, DEPARTMENT OF			
DOS-42-19-00001-P	..... 10/15/20	Real estate advertisements	To update current regulations concerning real estate advertisements
DOS-02-20-00003-P	..... 01/14/21	Enhanced fair housing provisions	To provide additional notices and other enhancements relating to fair housing and the Human Rights Law

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE UNIVERSITY OF NEW YORK			
SUN-50-19-00001-EP	12/10/20	Tuition, Fees and Charges	To authorize the waiver of admission application fees for military veterans and their spouses
SUN-53-19-00002-P	12/30/20	Proposed amendments to the traffic and parking regulations at State University of New York College at Old Westbury	Amend existing regulations to update traffic and parking regulations
SUN-53-19-00005-P	12/30/20	Proposed amendments to the traffic and parking regulations at State University Agricultural and Technical College at Morrisville	Amend existing regulations to update traffic and parking regulations
SUN-01-20-00001-P	01/07/21	Limitations on operating costs for purposes of State financial assistance.	To determine how state appropriated reimbursement for rental costs for physical space will be distributed to community colleges.
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-02-20-00001-EP	01/14/21	Property tax levy limits for school districts in relation to certain costs resulting from capital local expenditures	To implement Education Law 2023-a relating to certain costs resulting from capital local expenditures of school districts
TAF-07-20-00013-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 April 1, 2020 through June 30, 2020.
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-14-19-00007-P	04/02/20	Abandonment of requests for fair hearings	To require the issuance of letters to appellants who fail to appear at scheduled fair hearings involving Medical Assistance, also known as Medicaid, advising them how to request the rescheduling of such fair hearings
THRUWAY AUTHORITY, NEW YORK STATE			
THR-01-20-00003-P	01/07/21	Toll rate adjustments on the New York State Thruway system.	To provide for toll rate adjustments necessary to support the Authority's financial obligations.
WORKERS' COMPENSATION BOARD			
WCB-31-19-00018-RP	07/30/20	Medical Treatment Guidelines	Add guidelines for treatment of hip and groin, foot and ankle, elbow and occupational interstitial lung disease
WCB-37-19-00002-P	09/10/20	Applications for Reopenings	Clarify the process for reopening a case that has been previously closed
WCB-11-20-00005-EP	03/18/21	Updating the prescription drug formulary	To update the prescription drug formulary in response to continuous feedback

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

601W South Canal Member LLC
601 W. 26th St., Suite 1275, New York, NY 10001
State or country in which incorporated — Delaware limited liability company

ACP PE Investment LLC
c/o ACP PE Intermediate LLC, Att.: Russell Gimeistob, 11777 San Vicente Blvd., Suite 650, Los Angeles, CA 90049
State or country in which incorporated — Delaware

Ascendant Alternative Strategies, LLC
405 Lexington Ave., 26th Fl., New York, NY 10174
State or country in which incorporated — Delaware

Barrier Partners, LP
535 Mission St., Suite 1670, San Francisco, CA 94105
Partnership — Barrier Capital Management, LLC

Buyout Core Fund IX, L.P.
50 S. LaSalle St., Chicago, IL 60603
Partnership — 50 South Capital Advisors, LLC

Chroma Opportunity III LP
310 Alder Court, Dover, DE 19904
Partnership — Chroma Opportunities LLC

CoinFund Liquid Opportunities Onshore LP
109 S. 5th St., Brooklyn, NY 11249
Partnership — CoinFund Liquid Opportunities GP LLC

CX Reagan Crossing, DST
4890 W. Kennedy Blvd., Suite 200, Tampa, FL 33609
State or country in which incorporated — Delaware

Daywearlab, Inc.
174 W. 4th St., Suite #121, New York, NY 10014
State or country in which incorporated — Delaware

Equip Health, Inc.
2674 Costebelle Dr., La Jolla, CA 92037
State or country in which incorporated — Delaware

Exxe Group Inc.
14 Penn Plaza, 9th Fl., New York, NY 10122
State or country in which incorporated — New York

Gate Canna Corp.
Six Upper Newport Plaza Dr., Suite 201, Newport Beach, CA 92660
State or country in which incorporated — Wyoming

GK Investment Property Holdings II, LLC
257 E. Main St., Suite 200, Barrington, IL 60010
State or country in which incorporated — Delaware

Onit Sciences
Six Upper Newport Plaza Dr., Suite 201, Newport Beach, CA 92660
State or country in which incorporated — Wyoming

Orp Chase Village Holdings, LLC
740 Waukegan Rd., Suite 310, Deerfield, IL 60015
State or country in which incorporated — Delaware limited liability company

Private Equity Core Fund IX, L.P.
50 S. LaSalle St., Chicago, IL 60603
Partnership — 50 South Capital Advisors, LLC

Private Equity Core Fund (QP) IX, L.P.
50 S. LaSalle St., Chicago, IL 60603
Partnership — 50 South Capital Advisors, LLC

Project Diner Investments L.P.
c/o Intertrust Corporate Services (Cayman) Limited, 190 Elgin Ave., George Town, Grand Cayman, KY1-9005, Cayman Islands
Partnership — Crescent Investment Management II Ltd.

Quadrant Biosciences Inc.
505 Irving Ave., Suite 3100AB, Syracuse, NY 13210
State or country in which incorporated — Delaware

RISE Commercial Self-Storage Fund #1, LLC
23G Stratford Dr. E, Boynton Beach, FL 33436
State or country in which incorporated — Delaware

Serent Capital Associates IV, L.P.
50 S. LaSalle St., Chicago, IL 60603
Partnership — Serent Capital Partners IV, L.P.

Serent Capital IV, L.P.
50 S. LaSalle St., Chicago, IL 60603
Partnership — Serent Capital Partners IV, L.P.

Sponsor Backed Credit Feeder II, L.P.
50 S. LaSalle St., Chicago, IL 60603
Partnership — 50 South Capital Advisors, LLC

Valiant India Opportunities Offshore, L.P.
c/o Morgan Stanley Fund Services (Cayman) Ltd., The Observatory, 7-11 Sir John Rogerson's Quay, Dublin 2, Ireland
Partnership — Valiant India GP II, LLC

Venture Core Fund IX, L.P.
50 S. LaSalle St., Chicago, IL 60603
Partnership — 50 South Capital Advisors, LLC

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE ROOFING

Fishkill Correctional Facility
Beacon, Dutchess County

Sealed bids for Project No. M3109-C, comprising a separate contract for Construction Work, Replace Roofing, Building 101 RMU, Fishkill Correctional Facility, 18 Strack Drive, Beacon (Dutchess 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 Correctional Services, until 2:00 p.m. on Wednesday, March 18th, 2020 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 \$62,800 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 John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewycky, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 490 days after the Agreement is approved by the Comptroller.

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 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 9:00 a.m. on March 10, 2020 at the OGS Field Office, 17 Duck Pond Drive, Beacon, NY. Prospective bidders are urged 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.

Phone the office of Lanti Osmani (845-765-7123) a minimum of 72 hours in advance of the date to provide the names of those who will attend 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.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail 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 John D. Lewyckyj, Deputy Director
OGS - Design & Construction Group

**PROVIDE
EXPRESSTOP**
State Office Building Campus
Albany, Albany County

Sealed bids for Project No. 45356-C, comprising a contract for Construction Work to Provide Expressstop, Building 4, State Office Building Campus, 1220 Washington Avenue, Albany (Albany 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 Commission for the Blind and Visually Handicapped, until 2:00 p.m. on Wednesday, March 18th, 2020, 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 \$19,100 for C.

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

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 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 John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 153 days after the Agreement is approved by the Comptroller.

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 in-

flation 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 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 Monday March 9, 2020 at State Office Building Harriman Campus, OGS Field Office, directly in from of Building #4, Albany, NY. Prospective bidders are urged 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.

Phone the office of Eileen Dugan, (518-457-2801) a minimum of 48 hours in advance of the date to provide the names of those who will attend 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.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail 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 John D. Lewyckyj, Deputy Director
OGS - Design & Construction Group

**DEMOLISH
INCINERATOR/STACK**
Auburn Correctional Facility
Auburn, Cayuga County

Sealed bids for Project No. 45807-C, comprising a separate contract for Construction Work, Demolish Incinerator and Stack, Building No. 22, Auburn Correctional Facility, 135 State Street, Auburn (Cayuga 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 Correctional Services, until

2:00 p.m. on Wednesday, March 25th, 2020 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 \$39,600 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 John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 192 days after the Agreement is approved by the Comptroller.

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 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 1:00 p.m. on March 17th, 2020 at Auburn Correctional Facility, 135 State Street, Auburn NY. Prospective bidders are urged 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.

Phone the office of Brad Young (315-253-8282) minimum of 72 hours in advance of the date to provide the names of those who will attend 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.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail 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 *John D. Lewyckyj*, Deputy Director
OGS - Design & Construction Group

REHABILITATE CELL BLOCKS

Great Meadow Correctional Facility
Comstock, Washington County

Sealed bids for Project Nos. 45858-C, 45858-H, 45858-P and 45858-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Rehabilitate Cell Blocks C & D, Building 2, Great Meadow Correctional Facility, 11739 State Route 22, Comstock (Washington 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 Correctional Services until 2:00 p.m. on Wednesday, March 31st, 2020 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 \$92,100 for C, \$99,300 for H, \$254,900 for P, and \$93,900 for E).

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 \$3,000,000 and \$4,000,000 for C, between \$3,000,000 and \$4,000,000 for H, between \$10,000,000 and \$15,000,000 for P, and between \$3,000,000 and \$4,000,000 for E.

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 John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax

(518) 473-7862 and John Lewycky, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 1,240 days after the Agreement is approved by the Comptroller.

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 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 9:00 a.m. on March 19th, 2020 at the OGS Comstock Field Office, 11607 State Route 22, Comstock, NY. Prospective bidders are urged 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.

Phone the office of Bill Belden (518-473-5545) a minimum of 72 hours in advance of the date to provide the names of those who will attend 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) for Construction Work, HVAC Work, Plumbing Work and Electrical Work. 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.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week.

Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail 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 *John D. Lewycky*, Deputy Director
OGS - Design & Construction Group

REHABILITATE STORM WATER DRAINAGE SYSTEM Pilgrim Psychiatric Center West Brentwood, Suffolk County

Sealed bids for Project No. 45916-C, comprising a contract for Construction Work, Rehabilitate Storm Water Drainage System, Buildings, 25, 81, 82, 83 & 102, Pilgrim Psychiatric Center, 998 Crooked Hill Rd., West Brentwood (Suffolk County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, March 18, 2020 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 \$38,400 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 John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewycky, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 213 days after the Agreement is approved by the Comptroller.

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 in-

flation 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 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 March 9, 2020 at Pilgrim Psychiatric Center, 998 Crooked Hill Road, Building # 26, West Brentwood, NY. Prospective bidders are urged 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.

Phone the office of Bibi Bacchus (718-776-4441) a minimum of 48 hours in advance of the date to provide the names of those who will attend 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.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD’s on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail 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 *John D. Lewyckyj*, Deputy Director
OGS - Design & Construction Group

REPLACE LOADING DOCK LEVELERS Cook Chill Production Center Orangeburg, Rockland County

Sealed bids for Project No. 45918-C, comprising a contract for Construction Work, Replace Loading Dock Levelers, Building 144, Cook Chill Production Center, 145 Old Orangeburg Rd, Orangeburg (Rockland County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until

2:00 p.m. on Wednesday, March 18, 2020, 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 \$22,400 for C).

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

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 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 John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 276 days after the Agreement is approved by the Comptroller.

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 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 March 10, 2020 at the Cook Chill Production Center, 145 Old Orangeburg Road, Orangeburg, NY. Prospective bidders are urged 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.

Phone the office of Robin Griffiths (845-365-0730) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% 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.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail 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 *John D. Lewyckyj*, Deputy Director
OGS - Design & Construction Group

**REPLACE
HEATING SYSTEM**
Department of Transportation Region 10
Babylon, Suffolk County

Sealed bids for Project No. 46067-H, comprising a contract for HVAC Work Replace Heating System, DOT Region 10, Suffolk County, 325 W Main Street, Babylon (Suffolk 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 Transportation, until 2:00 p.m. on Wednesday, March 18th, 2020 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 \$26,100 for H).

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

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for H.

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 John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

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.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 168 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

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 March 10, 2020 at 325 W. Main Street, Babylon, NY. Prospective bidders are urged 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.

Phone the office of Pierre Boucicaut, (516-972-3967) a minimum of 48 hours in advance of the date to provide the names of those who will attend 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.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail 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 *John D. Lewycky*, Deputy Director
OGS - Design & Construction Group

PROVIDE
SALT STORAGE BUILDINGS
Various Department of Transportation Facilities
Riceville, Fulton and Johnstown
Fulton and Montgomery Counties

Sealed bids for Project Nos. 46078-C and 46078-E, comprising separate contracts for Construction Work, and Electrical Work, to Provide Salt Storage Buildings Riceville, Fultonville & Johnstown, Various DOT Facilities - Region 2 (Fulton and Montgomery Counties), 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 Transportation, until 2:00 p.m. on Wednesday, March 18, 2020, 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 \$69,000 for C, and \$14,500 for E).

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 \$2,000,000 and \$3,000,000 for C, and between \$100,000 and \$250,000 for E.

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 John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewycky, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes.

Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

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.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must occur by September 17, 2020. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

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 9:00 a.m. on March 9, 2020 at 3059 Route 5S, Fultonville, NY. Prospective bidders are urged 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.

Phone the office of Aaron Cook, (518-457-7895) a minimum of 48 hours in advance of the date to provide the names of those who will attend 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 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and Electrical Work. 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.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business

Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail 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 John D. Lewyckyj, Deputy Director
OGS - Design & Construction Group

PROVIDE
SALT STORAGE BUILDINGS
Department of Transportation Region 1
Petersburg, Rensselaer County

Sealed bids for Project Nos. 46119-C and 46119-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work to Provide Salt Storage Buildings, DOT Region 1, Rensselaer County, Route 22, Petersburg (Rensselaer 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 Transportation, until 2:00 p.m. on Wednesday, March 18, 2020 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 \$26,600 for C and \$2,200 for E).

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 \$500,000 and \$1,000,000 for C, and between \$25,000 and \$50,000 for E.

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 John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

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.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must occur by August 31, 2020. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

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 1:00 p.m. on March 11, 2020, at NYS DOT, Route 22, Petersburg, NY. Prospective bidders are urged 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.

Phone the office of Richard Hynes (518-376-7203) a minimum of 48 hours in advance of the date to provide the names of those who will attend 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 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work. 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.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail 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 John D. Lewyckyj, Deputy Director
OGS - Design & Construction Group

**PROVIDE
CLASSROOMS/OFFICE SPACE
Greene Correctional Facility
Coxsackie, Greene County**

Sealed bids for Project Nos. 46133-C, 46133-E, 46133-H and 46133-P, comprising separate contracts for Construction Work, Electrical Work, HVAC Work, and Plumbing Work to Provide Classrooms & Office Space, Building 45, Restricted Housing Program, Greene Correctional Facility, County Rte. 9, Coxsackie (Greene 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 Correctional Services, until 2:00 p.m. on Wednesday, March 18, 2020 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 certified check, bank check, or bid bond in the amount of \$182,100 for C, \$39,400 for E, \$67,000 for H, and \$23,000 for P.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$7,000,000 and \$8,000,000 for C, between \$1,000,000 and \$2,000,000 for E, between \$2,000,000 and \$3,000,000 for H, and between \$500,000 and \$1,000,000 for P.

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 John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

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.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along

with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 681 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

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 March 10th, 2020 at the OGS Field Office, 11262 Rt 9W, Coxsackie NY. Prospective bidders are urged 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.

Phone the office of Karen Disonell (518-731-8290) a minimum of 72 hours in advance of the date to provide the names of those who will attend 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) for Construction, HVAC and Plumbing Work and an overall goal of 4% for MWBE participation, 2% for Minority-Owned Business Enterprises ("MBE") participation and 2% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work. 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.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail 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 *John D. Lewyckyj*, Deputy Director
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.

PUBLIC NOTICE Town of Huntington

The Town of Huntington is soliciting proposals from Administrative Service Agencies, Trustees, and Financial Organizations for services in connection with a Deferred Compensation Plan that will meet the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

Complete specifications for the above item may be downloaded at: <http://huntingtonny.gov>, under Bids/RFPs. All other inquiries should be directed to purchasing@huntingtonny.gov or fax us at (631) 351-2833. All proposals must be submitted no later than April 17, 2020.

PUBLIC NOTICE New York City

Deferred Compensation Plan & NYCE IRA

The New York City Deferred Compensation Plan & NYCE IRA (the "Plan") is seeking proposals from qualified vendors to provide master custodial services to the City of New York Deferred Compensation Plan. The Request for Proposals ("RFP") will be available beginning on Wednesday, March 18, 2020. Responses are due no later than 4:30 p.m. Eastern Time on Thursday, May 28, 2020. To obtain a copy of the RFP, please visit the Plan's web site at www1.nyc.gov/site/olr/about/about-rfp.page and download and review the applicable documents.

If you have any questions, please submit them by fax to Georgette Gestely, Director, at (212) 306-7376.

Consistent with the policies expressed by the City, proposals from certified minority-owned and/or women-owned businesses or proposals that include partnering arrangements with certified minority-owned and/or women-owned firms are encouraged. Additionally, proposals from small and New York City-based businesses are also encouraged.

PUBLIC NOTICE Department of State F-2019-1077

Date of Issuance – March 18, 2020

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

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1077.pdf>

In F-2019-1077, or the "Taylor's Island aka Cedar Island", the applicant – Town of Shelter Island – proposes to remove 95 feet of existing concrete barriers completely and construct 83 feet of new bulkhead as replacement. The proposed activities also include regarding area landward to match the existing grade of the roadway, removing remnants of an old seawall and clean the area waterward of new bulkhead. The proposed activities also include removing the existing 6 foot by 40 feet floating dock and associated anchor pilings and access ramp; construct a 4 foot by 50 foot extension to an existing 4 foot by 30 foot fixed dock; reinstall existing access ramp, 6 foot by 40 foot float and associated anchor piling on offshore end. The purpose of the proposed project is to "reconstruct existing section of bulkhead and to expand the existing dock into deeper more navigable water". The project is located at Coecles Harbor on Taylor's Island aka Cedar Island in the Town of Shelter Island, Suffolk County on Coecles Harbor.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, April 2, 2020.

Comments should be addressed to: Consistency Review Unit, Department of State, 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 e-mail 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-2019-1097

Date of Issuance – March 18, 2020

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

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

In F-2019-1097, Bob Klimowski, is proposing to maintain as built

existing pile supported docking structure that includes a 80'6" x 6'6" dock leading to a 11'2" x 12' deck as well as a pile supported covered boat hoist measuring 12'8" x 14'7" with the roof partially overhanging the pile supported dock. The applicant also wishes to raise the height of these structure by 1'. In addition, the applicant is proposing to maintain as built an existing 5' x 35' dock as well as a 10' x 17'4" personal watercraft float.

The proposal is for the applicant's property at 6444 Anne Lee Road (North Rose) in the town of Huron, Wayne County on Port Bay.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1097ForPN.pdf>

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, April 17, 2020.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by e-mail 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-2019-1168

Date of Issuance – March 18, 2020

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-2019-1168, Karen MacKnight is proposing to restore their of lawn and dock area by removing 14 dead trees and stumps and installing 432 feet of filter fabric and native fill to 3 inches below grade of gravel road. This project is located at 7 Taurus Circle, in the Town of Sandy Creek, Oswego County, on Sandy Pond.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1168.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- North and South Sandy Pond Significant Coastal Fish and Wildlife Habitat: <https://www.dos.ny.gov/opd/programs/consistency/scfwhabitats.html>;

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 April 17, 2020.

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 e-mail 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-2019-1181

Date of Issuance – March 18, 2020

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

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

In F-2019-1181 or the "Kucherovsky Residence", the applicant Leon Kucherovsky, is proposing to construct 202' vinyl navy bulkhead. Install 6' returns. Truck in clean fill. Plant native species plants upland of bulkhead as mitigation. Install 8' x 12' outside shower, 8' x 12' hot tub and 14' x 28' in ground pool with a privacy fence, retaining wall, generator, swing set with landing, 5' x 20' float on four float anchor piles & 16' x 18' six pile boat lift. The authorized work is located at 310 Dolphin Drive, Village of Hewlett Neck, Nassau County, Georges Creek.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1181_Kucherovsky_APP.pdf

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, April 17, 2020.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by e-mail 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-2019-1188

Date of Issuance – March 18, 2020

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-2019-1188, Ryan Joseph Slack is proposing to place a 5' x 52' steel break wall placed directly in front of existing 4' x 52' railroad tie break wall with 12"-24" toe stone placed in front. This project is located at 9421 Bridger Lane, Town of North Rose, Wayne County, Sodus Bay.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1188.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Sodus Bay Significant Coastal Fish and Wildlife Habitat: <https://www.dos.ny.gov/opd/programs/consistency/scfwhabitats.html>

• Town of Huron Local Waterfront Revitalization Program: https://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP_status.html

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 April 17, 2020.

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 e-mail 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-2019-1189

Date of Issuance – March 18, 2020

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-2019-1189, Ryan Joseph Slack is proposing to place a 5' x 52' steel break wall placed directly in front of existing 4' x 52' railroad tie break wall with 12"-24" toe stone placed in front. This project is located at 9423 Bridger Lane, Town of North Rose, Wayne County, Sodus Bay.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1189.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

• Sodus Bay Significant Coastal Fish and Wildlife Habitat: <https://www.dos.ny.gov/opd/programs/consistency/scfwhabitats.html>

• Town of Huron Local Waterfront Revitalization Program: https://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP_status.html

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 April 17, 2020.

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 e-mail 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-2019-1259

Date of Issuance – March 18, 2020

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-2019-1259, Brian Button is proposing to install a 12' x 12' dock extension on an existing 6' x 80' dock with a 12' x 21' covered boat hoist. This project is located at 6430 Anne Lee Drive, Town of Huron, Wayne County, Sodus Bay.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1259.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

• Sodus Bay Significant Coastal Fish and Wildlife Habitat: <https://www.dos.ny.gov/opd/programs/consistency/scfwhabitats.html>

• Town of Huron Local Waterfront Revitalization Program: https://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP_status.html

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 April 17, 2020.

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 e-mail 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-2020-0033

Date of Issuance – March 18, 2020

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

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

In F-2020-0033, James Melich, is proposed to reface ~45 linear feet of existing wood tie breakwall with steel sheet pile including the placement of toe stone along the face of the refaced breakwall. In addition, install ~33 linear feet of 12-24 rip rap below the Ordinary High Water Line and install six (6) 6" steel piles in the water to support a "Shore Dock" of unknown dimensions. Further the applicant is seeking to maintain, after the fact, an as built existing 45' x 5' dock, 12' x 20' boat hoist and a ~16' x 3' dock/bridge placed over the water leading to an adjacent property.

The proposal is for the applicant's property at 11656 Tompkins Point (Wolcott) in the town of Huron, Wayne County on Port Bay.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0033ForPN.pdf>

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, April 17, 2020.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany,

NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by e-mail 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-2020-0057

Date of Issuance – March 18, 2020

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-2020-0057, the NYC Parks and Recreation and the New York City Economic Development Corporation is proposing to remove dilapidated abandoned concrete structures, clear debris from river bottom—without dredging—and replant riparian and underwater areas with native wetland plants. The project is at 30-30 Vernon Boulevard, NY 11102, Astoria, Queens County on the East River.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0057ConsCertApplication.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- New York City Local Waterfront Revitalization Program: https://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP_status.html;

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 April 17, 2020.

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 e-mail 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-2020-0058

Date of Issuance – March 11, 2020

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-2020-0058, Neal Hochwald is proposing to install a recreational dock facility off the existing concrete wall consisting of a 4' x 175' catwalk going straight out with a proposed 3' x 30' ramp leading to a proposed 6' x 30' float. The proposed project is at 255 Little Neck

Road, Centerport, NY, 11721, Suffolk County, Centerport Harbor/Northport Bay.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0058ConCert.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Northport Bay Significant Coastal Fish and Wildlife Habitat: <https://www.dos.ny.gov/opd/programs/consistency/scfwhabitats.html>;

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 April 10.

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 e-mail 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-2020-0064

Date of Issuance – March 18, 2020

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-2020-0064, Raz Tirosh is proposing to remove a stone seawall and replace it with a sloped rip-rap revetment. A fixed 12' x 120' timber pier will be constructed extending from the planned revetment to a 4' x 20' gangway and a 8' x 40' floating dock. Also, a proposed mooring approximately 140 feet east of the floating dock. The project is located on the Hudson River at 517 North Broadway, Upper Nyack, NY 10960, Rockland County.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0064Tirosh.pdf>

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 April 17, 2020.

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 e-mail 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-2020-0069

Date of Issuance – March 18, 2020

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-2020-0069, Angela Zozimo is to install new vinyl bulkhead along the high-water line, new vinyl groin, and new fixed timber deck with excavation in front of the bulkhead location. The proposed project will take place at 909 South 5th Street, Lindenhurst, NY, 11757, Village of Lindenhurst, Town of Babylon, County of Suffolk on DOS Identified Canal S206 which connects to the Significant Coastal Fish and Wildlife Habitat, Great South Bay, West.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0069ConCertApplication.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Great South Bay, West - Significant Coastal Fish and Wildlife Habitat: <https://www.dos.ny.gov/opd/programs/consistency/scfwhabitats.html>;

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 April 17.

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 e-mail 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-2020-0070

Date of Issuance – March 11, 2020

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-2020-0070, William Hale is proposing to construct a docking assembly consisting of a fixed elevated catwalk, a hinged ramp, and a floating dock. The proposed project is at 67 Pine Neck Avenue, Sag Harbor, NY, 11963 in the Town of Southampton, Suffolk County, Mill Creek in the Noyak Beaches Significant Coastal Fish and Wildlife Habitat area.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0070ConsistCert-PN.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Noyak Bay Beaches Coastal Fish and Wildlife Habitat: <https://www.dos.ny.gov/opd/programs/consistency/scfwhabitats.html>;

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 April 10.

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 e-mail 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-2020-0081 (DA)

Date of Issuance – March 18, 2020

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

The U.S. Army Corps of Engineers has determined that the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the New York State Coastal Management Program. The applicant's consistency determination and accompanying supporting 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-2020-0081 (DA), The New York District Army Corps of Engineers (USACE) proposes to perform maintenance dredging of two discontinuous features of the Hudson River Federal Navigation Project at Germantown (River Mile 105 thru 108) and Kingston (River Mile 90 thru 91), New York. Approximately 184,000 cubic yards (CY) of river sediments is proposed to be removed in order to restore the federal navigation channel at the above locations to its authorized project dimensions. The dredged material would be placed in one previously used and approved upland placement site. This site, commonly referred to as U-3A, is federally owned and is located on Houghtaling Island, New Baltimore, NY (River Mile 130).

The USACE's submission can also be viewed at: [http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0081\(DA\)ConsistencyDetermination.pdf](http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0081(DA)ConsistencyDetermination.pdf)

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 from the date of publication of this notice, or, by Thursday, April 2, 2020.

Comments should be addressed to: Department of State, Office of Coastal, Local Government and Community Sustainability, One Commerce Plaza, 99 Washington Ave., Suite, 1010, Albany, NY 12231, (518) 474-6000, Fax (518) 474-6572. Electronic submissions can be made by e-mail 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.

2020-0075 Matter of Integrity Expediting, Mitch Brendle, P.O. Box 806, Middle Island, NY 11953, for a variance concerning safety requirements, including the ceiling height and height under a girder/soffit. Involved is an existing one family dwelling located at 225 Smith Street, Town of Islip, NY 11722 County of Suffolk, State of New York.

2020-0113 Matter of Nassau Expeditors Inc., Scott Tirone, 75

Albertson Avenue, Albertson, NY 11507, for a variance concerning safety requirements, including the ceiling height and height under a girder/soffit. Involved is an existing one family dwelling located at 94 S. Bayview Avenue, Village of Freeport, NY 11520 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.

2020-0122 In the matter of Demosjohnny LLC, Costas Nestopoulos, Eight Glenford Lane, East Northport, NY 11731, concerning safety requirements including a variance for reduction in required height of existing interior handrails and guardrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, three stories in height, located at 228 Linden Avenue, City of Ithaca, County of Tompkins, 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.

2020-0127 In the matter of Jacob Manley, 426 Spruce Street, Utica, NY 13502 for a variance concerning requirements for a fire rated cellar ceiling and cellar stair enclosure.

Involved is an existing Multiple Residence occupancy, three stories in height, located at 203 Main Street, Village of New York Mills, County of Oneida, New York.