
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 December 4, 2022
- the 45-day period expires on November 19, 2022
- the 30-day period expires on November 4, 2022

**KATHY HOCHUL
GOVERNOR**

**ROBERT J. RODRIGUEZ
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

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

Office of Cannabis Management

NOTICE OF ADOPTION

Personal Home Cultivation of Medical Cannabis

I.D. No. OCM-46-21-00010-A

Filing No. 798

Filing Date: 2022-09-22

Effective Date: 2022-10-05

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

Action taken: Addition of Part 115 to Title 9 NYCRR.

Statutory authority: Cannabis Law, sections 13, 41 and 43

Subject: Personal Home Cultivation of Medical Cannabis.

Purpose: The rule establishes the framework for personal home cultivation of medical cannabis for designated caregivers and certified patients.

Substance of final rule: As required by sections 13, 41 and 43 of the Cannabis Law, Part 115 of Chapter II of Subtitle B of Title 9 (Executive) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to be effective upon publication of a Notice of Adoption in the New York State Register.

§ 115.1 Definitions. Section 115.1 defines terms used in Part 115, including but not limited to “cultivation”, “designated caregiver”, “immature plant”, “mature plant”, “personal home cultivation”, and “private residence”.

§ 115.2 Personal Home Cultivation of Medical Cannabis. Establishes the parameters around personal home cultivation of medical cannabis for certified patients by themselves or their designated caregivers, including, among other things, provisions for home cultivation for certified patients younger than twenty-one years of age or physically or cognitively impaired, where personal home cultivation may occur, how much can be

cultivated at one time, how much a certified patient or designated caregiver may possess, rules surrounding secure storage, rules around remuneration from personal home cultivated medical cannabis, and parameters around the protection of personal home cultivation from landlord refusals.

§ 115.3 Sale of Medical Cannabis for Home Cultivation. Establishes the rules around the sale of medical cannabis for home cultivation, including, among other things, the requirement to adhere to all laws, rules and regulations prior to selling medical cannabis plants or seeds for home cultivation, packaging and labeling requirements surrounding medical cannabis for home cultivation, rules surrounding the transporting of medical cannabis for home cultivation, storage of medical cannabis in a dispensing facility, rules around the sale of medical cannabis for home cultivation by registered organizations and/or licensees, inclusion of safety inserts at the time of sale, reporting and record keeping and the rules around when registered organizations and/or licensees shall notify the Office, including, but not limited to adverse events, theft, loss or possible diversion of medical cannabis, security breaches – actual or suspected, and vehicle accidents.

Final rule as compared with last published rule:

Nonsubstantial changes were made in sections 115.2(e), (k) and 115.3(a).

Text of rule and any required statements and analyses may be obtained from: Diana Yang, Office of Cannabis Management, 1220 Washington Avenue, Albany, NY 12226, (888) 626-5151, email: regulations@ocm.ny.gov

Initial Review of Rule

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

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

Changes made to the last published rule do not necessitate revision to the previously published Revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Assessment of Public Comment

The New York State Office of Cannabis Management (the “Office”) received over 90 comments in response to the revised rulemaking amending Part 115 of Title 9 of the New York State Code, Rules and Regulations of the State of New York relating to personal home cultivation of medical cannabis. Public comments were received from industry stakeholders, including the public, governmental agencies, and industry associations. The comments covered almost every aspect of the revised regulation, including limits on the number of cannabis plants that may be grown by patients and designated caregivers, security, plant visibility, cultivation processes, plant transport, and cannabis testing.

Many commenters expressed concern regarding plant limits, particularly with regard to caregivers growing on behalf of multiple patients. Commenters sought clarification regarding the definition of “private residence” and “on the grounds”, source of cannabis for home cultivation, packaging and labeling, security and safeguarding requirements and odor mitigation. Commenters expressed concerns with the impact that regulations will have on landlords and their ability to maintain smoke-free properties. Commenters also sought clarification regarding the terms “immature” and “mature”, as well as possession limits of cannabis plants versus the five pounds of cannabis that may be lawfully possessed in or on the grounds of their private residence.

Clarifying changes were made to the revised regulations pertaining to adherence to applicable federal rules and regulations and pertaining to adherence to the maximum twelve plant per private residence limit (six mature, six immature), when a caregiver who is also a patient grows for themselves and those that they serve.

NOTICE OF ADOPTION

Cannabinoid Hemp

I.D. No. OCM-01-22-00026-A

Filing No. 800

Filing Date: 2022-09-23

Effective Date: 2022-10-05

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

Action taken: Amendment of Part 114 of Title 9 NYCRR.

Statutory authority: Cannabis Law, sections 13 and 91

Subject: Cannabinoid Hemp.

Purpose: Amendment of Part 114 to include additional definitions, change certain requirements for applicants and add licensing and registration fee amounts.

Substance of final rule: As required by sections 13 and 91 of the Cannabis Law, Part 114 of Chapter II of Subtitle B of Title 9 (Executive) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to be effective upon publication of a Notice of Adoption in the New York State Register.

Part 114 is amended to include additional definitions for cannabinoid hemp farm processor and craft, to remove the requirement that evidence that good manufacturing practices (GMP) will be used in the extraction of hemp extract and manufacturing of cannabinoid hemp products shall be included in an application for a cannabinoid hemp processor license, changing certain requirements that provisionally approved applicants must satisfy before they can begin extracting or manufacturing as a cannabinoid hemp processor, adding licensing and application fee amounts; and making clarifying or technical changes throughout the rest of Part 114.

Final rule as compared with last published rule:

Nonsubstantial changes were made in section 114.1(f)(2).

Text of rule and any required statements and analyses may be obtained from:

Diana Yang, Office of Cannabis Management, 1220 Washington Avenue, Albany, NY 12226, (888) 626-5151, email: regulations@ocm.ny.gov

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

Changes made to the last published rule do not necessitate revision to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Assessment of Public Comment

The New York State Office of Cannabis Management (the "Office") received approximately 15 comments in response to the amendments to Part 114 of Title 9 of the Official Compilation of the Codes, Rules and Regulations of the State of New York relating to cannabinoid hemp. Public comments were received from industry stakeholders and industry associations. The comments included recommendations for final product testing and remediation and re-testing, dosage sizes and labeling of food and other final cannabinoid hemp products. One commenter recommended tracking cannabinoid hemp products similar to cannabis products to ensure public health and safety.

Several commenters expressed concern regarding limits on dried hemp imposed on hemp farm processor licensees by the amended regulation. Commenters sought clarification on when a cannabinoid hemp retailer license as well as a processor license may be required and on how cannabinoid hemp products might be lawfully sold to consumers at farmer's markets and farm stands. Several commenters sought clarification on hemp extract in terms of use, transportation, and different opportunities for utilizing hemp biomass. Many comments submitted were beyond the scope of the proposed regulatory amendments.

One technical change was made to the proposed regulatory amendments to promote inclusiveness.

Initial Review of Rule

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

Department of Corrections and Community Supervision

EMERGENCY RULE MAKING

Disposition for Violations of the Conditions of Release

I.D. No. CCS-08-22-00007-E

Filing No. 799

Filing Date: 2022-08-23

Effective Date: 2022-08-23

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

Action taken: Amendment of sections 8002.6, 8003.2; Parts 8004, 8005 and 8006 of Title 9 NYCRR.

Statutory authority: Executive Law, sections 259-c(1), (2), (6), (11) and 259-1

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

Specific reasons underlying the finding of necessity: The State of New York's parole revocation process impacts the liberty of releasees and has significant effects on public safety. That process is detailed through provisions of the Executive Law and regulations promulgated by the Board. Among other things, these rules ensure the process is consistent with the due process clause and that releasees and other interested parties have appropriate notice of the procedures and possible sanctions. Because the Less is More Act has changed material terms of applicable statutory provisions and has made such changes effective as of a date which does not allow for the normal rule proposal process, the emergency adoption of these rules is necessary to ensure the State continues to meet its obligations to public safety and to provide due process to the releasees accused of violating their conditions of release.

Subject: Disposition for violations of the conditions of release.

Purpose: To bring Board regulations into compliance with recent amendments to the Executive Law.

Substance of emergency rule (Full text is posted at the following State website: <https://doccs.ny.gov/rules-regulations>): The Board of Parole proposes a series of amendments, replacements and additions to its regulations relevant to parole supervision and the parole revocation process to accord with legislation passed within this past year concentrated on those issues. The Board proposes amendment to 9 N.Y.C.R.R. section 8002.6(a) and (b) that will specify how time assessments imposed in a parole revocation case will commence and be credited, and that they are to run concurrently within the same case. Modifications to the standard conditions of release in 9 N.Y.C.R.R. section 8003.2 are proposed pertaining to absconding from supervision and which adds a condition requiring a releasee's appearance at parole revocation proceedings. Amendments proposed for 9 N.Y.C.R.R. section 8004.1 include, in part, definitions for violations of the conditions of release as either "non-technical" or "technical".

The Board proposes repeal and replacement of 9 N.Y.C.R.R. sections 8004.2 and 8004.3, and new 9 N.Y.C.R.R. sections 8004.4, 8004.5, 8004.6, 8004.7, 8004.8, 8004.10 and 8004.11, which changes will collectively detail various aspects of the parole revocation process including such matters as when a report of violative conduct to the Board is required, requirements related to a notice of violation, delineation of technical violations for which reincarceration is possible versus those for which it is not, and parole warrant issuance. Some of the sections addressed in these proposals have content in existing regulations but which has been reorganized for continuity of presentation. New 9 N.Y.C.R.R. section 8004.9 is proposed to address the subject of recognition hearings, which will now be required when a releasee is arrested on a parole violation warrant and are to be conducted in a court of law.

The Board proposes changes to 9 N.Y.C.R.R. Part 8005, which addresses parole revocation hearings and the dispositions therefrom. Amendments to 9 N.Y.C.R.R. sections 8005.7 and 8005.19 are included to reflect a change in the burdens of proof to preponderance of the evidence and clear and convincing evidence at the preliminary and final revocation hearings, respectively. The Board is also proposing changes to 9 N.Y.C.R.R. sections 8005.6 and 8005.17, which concern the scheduling of preliminary and final hearings respectively. These revisions accommodate the changes

made by the legislation to the parole revocation process timeline including the timeframe in which these hearings are to be arranged, and they also address the location of such hearings which in cases where the alleged violator is not in custody is presumptively to be a courthouse, except that where a courthouse is not reasonably available, then another location, such as an office that is not a correctional facility, may serve as the hearing site. The Board proposes the repeal and replacement of 9 N.Y.C.R.R. section 8005.3, to have new content addressing revocation hearings generally, whereas more ministerial and miscellaneous amendments are proposed for 9 N.Y.C.R.R. sections 8005.2, 8005.4, 8005.5, 8005.15, and 8005.16. Amendment to 9 N.Y.C.R.R. section 8005.18 is proposed to fully complement the notice requirements concerning the final revocation hearings.

The Board proposes that 9 N.Y.C.R.R. section 8005.20 be repealed and replaced to account for the new burdens of proof and to provide for the corresponding dispositions available in the new classifications of cases as “technical” and “non-technical”. The available dispositions reflect those detailed in the amended Executive Law, including the limitations placed on technical violations. For example, the available time assessments for absconding from supervision violations are now reflected as up to seven days for a releasee’s first act of absconding, up to fifteen days for their second absconding violation, and no more than thirty days reincarceration for their third or any subsequent absconding from supervision. Restoration to supervision remains an available disposition for a case of any type.

It is proposed that 9 N.Y.C.R.R. section 8005.21 be repealed and replaced to formalize the allowance for certain nonprofit service providers to be present at revocation hearings, while contents of the existing section 8005.21 would, with slight modification, be shifted to a new section 8005.22.

Furthermore, the Board proposes changes to 9 N.Y.C.R.R. Part 8006, which contains those sections addressing the administrative appeal process. While there are relatively minor amendments proposed for 9 N.Y.C.R.R. sections 8006.2, 8006.3 and 8006.4, amendments to 8006.1 are proposed that would additionally account for a newly created Executive Law section that permits a direct appeal to a court of law from a sustained charge alleging a non-technical violation based upon conduct that would constitute the commission of a misdemeanor or felony.

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. CCS-08-22-00007-EP, Issue of February 23, 2022. The emergency rule will expire October 21, 2022.

Text of rule and any required statements and analyses may be obtained from: Kathleen Kiley, Esq., Department of Corrections and Community Supervision, 1220 Washington Avenue, Albany, New York 12226, (518) 473-5671, email: Rules@Doccs.ny.gov

Regulatory Impact Statement

1. **Statutory Authority:** Section 259-c(11) of the New York Executive Law authorizes the New York State Board of Parole to “make rules for the conduct of its work, a copy of such rules and of any amendments thereto to be filed by the chairman with the secretary of state”. Executive Law § 259-c(1) and (2) empower the Board to determine the conditions of release of those individuals released to community supervision under the jurisdiction of the Department of Corrections and Community Supervision. Pursuant to sections 259-c(6) and 259-i(3) of the Executive Law, the Legislature has conferred upon the Board the exclusive authority to revoke the parole, conditional release or post-release supervision status of any such person, to authorize the issuance of warrants to retake and detain such individuals and to determine their re-release to supervision, based upon violations of the conditions of release. Pursuant to section 259-i(4) of the Executive Law, the Board provides for a process for the administrative appeal of revocation determinations.

2. **Legislative Objectives:** Executive Law §§ 259-c(6) and 259-i(3) confer upon the Board the exclusive authority over determinations of whether to revoke the release status of individuals subject to community supervision under the jurisdiction of the Department of Corrections and Community Supervision and provide for a range of authorized dispositions. Executive Law § 259-i(3) establishes the basic parameters of the parole revocation process. LIMA materially alters the provisions governing the authorized dispositions for parole revocation cases. The emergency rulemaking, consistent with the Board’s rulemaking authority under Executive Law § 259-c(11), will amend the relevant rules and add new provisions to ensure that they are consistent with the provisions of LIMA.

3. **Needs and Benefits:** Executive Law § 259-i(3) establishes the basic parameters and due process rights associated with the parole revocation process, including the range of available dispositions. The Board has implemented these statutory provisions in Parts 8002, 8004 and 8005 of Title 9 of the NYCRR. The administrative appeal of the resulting adjudications is governed by section 259-i(4) of the Executive Law and imple-

mented in Part 8006 of Title 9 of the NYCRR. The purpose of these rules is to provide for the substantive procedure applicable to a releasee accused of a violation of the conditions of release and to provide notice to such releasee of such procedure and its consequences. To the extent certain provisions of LIMA have taken effect upon a date which would not afford time to comply with the proposal process, these rules will ensure the State of New York affords a legally authorized adjudication process to litigants and provides notice of such process and the possible dispositions resulting from such process to litigants and other interested parties during the proposal process.

The amendments to 9 NYCRR §§ 8002.6 and 8004.1 provide for the computation of time assessments, which determines when an individual reincarcerated as a result of an adjudicated violation of release disposition is eligible for re-release, consistent with the provisions of LIMA. Section 8004.1 further introduces definitions for terms describing categories of violation created by LIMA which have a material effect on the character and scope of legally authorized dispositions while new sections 8004.6, 8004.7 and 8004.8 provide further detail on these categories of violation and amendments to section 8003.2 revise the standard conditions of release in light of these changes. The addition of 9 NYCRR §§ 8004.6, 8004.7, 8004.8 and the repeal and replacement of 9 NYCRR § 8005.20 provide for a sanction scheme and a process for the imposition of such sanctions which is consistent with the provisions of LIMA. Amendments to sections 8004.2, the repeal and replacement of section 8004.3, and new sections 8004.4, 8004.5, 8004.9, 8004.10 and 8004.11 address changes to the process by which a violation proceeding is commenced and the new recognition hearing required by LIMA. The amendments to Part 8005 alter the revocation hearing process and the penalties which may result in a manner consistent with LIMA. The amendments to Part 8006 revise the process for the administrative appeal of revocation determinations to harmonize current practice with the new appeal entitlements provided by LIMA.

4. **Costs:** These rules will not impose any costs beyond those already experienced.

5. **Paperwork:** These regulatory changes do not impose any new or additional paperwork requirements on regulated parties.

6. **Local Government Mandate:** These regulatory changes do not impose any obligations on local governments.

7. **Duplication:** These regulatory changes will not duplicate any existing state or federal rule.

8. **Alternatives:** Because this rulemaking governs the procedures and guidelines applied by the Board and its hearing officers and employees in a quasi-adjudicatory function, there are no alternatives other than to amend the regulations.

9. **Federal Standards:** There are no federal standards.

10. **Compliance Schedule:** This rulemaking will be effective upon publication of the notice of emergency adoption.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis for Small Business and Local Government is not being submitted with this notice, for the rule changes will have no adverse impact upon small businesses and local governments, nor do the rule changes impose any reporting, recordkeeping or other compliance requirements upon small businesses and local governments. The proposed rules only affect the practices of the Board of Parole and its officers and employees in setting conditions of release to community supervision and adjudicating violations thereof.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not being submitted with this notice, for the rule changes will have no adverse impact upon rural areas, nor do the proposed rules impose any reporting, recordkeeping or other compliance requirements upon rural areas. The proposed rules only affect the practices of the Board of Parole and its officers and employees in setting conditions of release to community supervision and adjudicating violations thereof.

Job Impact Statement

A Job Impact Statement is not being submitted with this notice, for the rule changes will have no adverse impact upon jobs or employment opportunities, nor do the proposed rules impose any reporting, recordkeeping or other compliance requirements upon employers. The proposed rules only affect the practices of the Board of Parole and its officers and employees in setting conditions of release to community supervision and adjudicating violations thereof.

Assessment of Public Comment

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

Department of Environmental Conservation

EMERGENCY RULE MAKING

Regulations Governing the Recreational Fishing of Scup and Black Sea Bass

I.D. No. ENV-27-22-00006-E

Filing No. 740

Filing Date: 2022-09-14

Effective Date: 2022-09-14

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

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

Statutory authority: Environmental Conservation Law, sections 13-0105, 13-0340-e and 13-0340-f

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

Specific reasons underlying the finding of necessity: This rule making is necessary for New York State to implement and remain in compliance with recent Atlantic States Marine Fisheries Commission (ASMFC) changes to recreational scup and black sea bass harvest. The proposed regulations were developed in response to the ASMFC and Mid-Atlantic Fishery Management Council (MAFMC) requiring recreational harvest reductions for scup and black sea bass. The proposed amendments will implement the recreational harvest decreases required by ASMFC and MAFMC. For black sea bass, changes are proposed to the size limit and possession limit, and for scup, changes are proposed to the size limit.

DEC is adopting these changes in order to protect the general welfare of New York State, and particularly those who participate in these commercial fisheries, by complying with ASMFC fishery management plan requirements. If ASMFC determines that New York is non-compliant, it sends notice of New York's non-compliance to the U.S. Secretary of Commerce. The Secretary of Commerce could then promulgate and enforce a complete closure of New York's scup and black sea bass recreational fisheries if they concur with ASMFC's non-compliance determination.

The management measures specified in this Notice of Emergency Adoption are already in effect. DEC originally submitted a Notice of Emergency Adoption and Proposed Rule Making to the Department of State on June 21, 2022 and the new regulations became effective that day. The public comment period for this rule ends on September 19, 2022. In order to be promulgated on time, the Notice of Adoption would have had to be filed on August 23, 2022 to allow 15 to 21 days to be published in the state register. Since the public comment period ends after this date, it is not possible to file the Notice of Adoption prior to the emergency rule's expiration on September 19, 2022. This amendment is necessary for the State to maintain the current regulations and remain in compliance with Atlantic States Marine Fisheries Commission (ASMFC) until a Notice of Adoption, already in progress, can be published and adopted.

Subject: Regulations governing the recreational fishing of scup and black sea bass.

Purpose: To revise regulations concerning the recreational harvest of scup and black sea bass in New York State.

Text of emergency rule: Existing subdivision 40.1(f) is amended to read as follows:

Species Striped bass through Winter flounder remain the same.
Species Scup and Black sea bass are amended to read as follows:
40.1(f) Table A – Recreational Fishing.

Species	Open Season	Minimum Length	Possession Limit
Scup (porgy) licensed	Jan. 1 – Aug. 31	[9"] 10" TL	30
party/charter boat anglers****	Sept. 1 – Oct. 31	[9"] 10" TL	50
	Nov. 1 – Dec. 31	[9"] 10" TL	30
Scup (porgy) all other anglers	All year	[9"] 10" TL	30

Species	Open Season	Minimum Length	Possession Limit
Black sea bass	June 23 – Aug. 31 Sept. 1 – Dec. 31	[15"] 16" TL [15"] 16" TL	3 [7] 6

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. ENV-27-22-00006-EP, Issue of July 6, 2022. The emergency rule will expire November 12, 2022.

Text of rule and any required statements and analyses may be obtained from: Rachel Sysak, Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, NY 11754, (631) 444-0469, email: rachel.sysak@dec.ny.gov

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

Regulatory Impact Statement

1. Statutory authority:

Environmental Conservation Law (ECL) §§ 13-0105, 13-0340-e, and 13-0340-f authorize the New York State Department of Environmental Conservation (Department) to establish by regulation the open season, size, catch limits, possession and sale restrictions, and manner of taking for scup and black sea bass.

2. Legislative objectives:

It is the objective of the above-cited legislation that the Department manages marine fisheries to optimize resource use for recreational harvesters in a manner that is consistent with marine fisheries conservation and management policies and interstate fishery management plans.

3. Needs and benefits:

The proposed regulations were developed in response to the Atlantic States Marine Fisheries Commission (ASMFC) and Mid-Atlantic Fishery Management Council (MAFMC) requiring recreational harvest reductions for scup and black sea bass after multiple years of exceeding the recreational harvest limit for both species coastwide. The proposed amendments will implement the recreational harvest decreases required by ASMFC and MAFMC. For black sea bass, changes are proposed to the size limit and possession limit, and for scup, changes are proposed to the size limit.

DEC is adopting these changes in order to protect the general welfare of New York State, and particularly those who participate in these commercial fisheries, by complying with ASMFC fishery management plan requirements. If ASMFC determines that New York is non-compliant, it sends notice of New York's non-compliance to the U.S. Secretary of Commerce. The Secretary of Commerce could then promulgate and enforce a complete closure of New York's scup and black sea bass recreational fisheries if they concur with ASMFC's non-compliance determination.

4. Costs:

There are no new costs to state and local governments from this action. The Department will incur limited costs associated with both the implementation and administration of these rules, including the costs relating to notifying recreational fishers, party and charter boat operators, and other recreational fishing associated businesses of the new rules.

5. Local government mandates:

The proposed rule does not impose any mandates on local government.

6. Paperwork:

Regulated parties are not expected to experience an increase in paperwork as a result of the proposed regulations.

7. Duplication:

The amendment does not duplicate any state or federal requirement.

8. Alternatives:

New York State marine recreational fishers had an opportunity to comment upon new recreational fishing measures for scup and black sea bass, including the measures proposed in this rulemaking, during the Marine Resource Advisory Council (MRAC) meeting on March 8, 2022. Alternative management measures, which included various combinations of possession limits, size limits, and seasons, were suggested and discussed. While some fishers questioned why measures could not be less restrictive, attendees generally favored the measures included in this rule making when compared to alternative options. Pursuant to Environmental Conservation Law section 13-0105, a majority of MRAC members voted in favor of the proposed regulations in this rulemaking.

"No action" alternative: If New York were to not adopt regulations that reduced recreational scup and black sea bass recreational harvest in 2022,

the State would be out of compliance with ASMFC requirements, which could result in the complete closure of New York's scup and black sea bass fisheries.

9. Federal standards:

The amendments to Part 40 are in compliance with the ASMFC and MAFMC's Fishery Management Plans for scup and black sea bass.

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 news releases, and through the Department's website.

Regulatory Flexibility Analysis

1. Effect of rule:

This rule making will implement new Atlantic States Marine Fisheries Commission requirements for recreational scup and black sea bass harvest.

The proposed rules for scup and black sea bass are more restrictive than the regulations in place during 2021. In 2021, there were 504 licensed party and charter businesses, and a number of retail and wholesale marine bait and tackle shops operating in New York State. Data available from the National Oceanic and Atmospheric Administration's 2021 Marine Recreational Information Program estimates that there were 1,283,257 trips targeting scup and 318,752 trips targeting black sea bass in New York during 2021. The proposed amendment increases the size limit for scup and black sea bass and decreases the possession limit for black sea bass during the second half of the open season. This could result in a loss of fishing opportunities and will decrease the number of fish that can be harvested recreationally.

2. Compliance requirements:

The proposed regulation would not require reporting or recordkeeping requirements for small businesses or local governments.

3. Professional services:

Small businesses and local governments would not require any professional services to comply with the proposed regulation.

4. Compliance costs:

The proposed rule would not require capital costs be incurred by small businesses or local governments.

5. Economic and technological feasibility:

The proposed regulations do not require any expenditure on the part of affected businesses in order to comply with the changes. The proposed regulations may decrease the income of some party and charter businesses, marinas, and marine bait and tackle shops that depend upon the recreational scup and black sea bass.

6. Minimizing adverse impact:

This rule making is necessary for New York State to remain in compliance with recent ASMFC changes to recreational scup and black sea bass harvest. The proposed regulations were developed in response to the ASMFC and Mid-Atlantic Fishery Management Council (MAFMC) recreational harvest reductions for scup and black sea bass. The proposed amendment is consistent with these requirements and will maintain New York's compliance with the applicable fishery management plans.

Ultimately, if New York were to not adopt regulations that reduce recreational scup and black sea bass recreational harvest in 2022, the State would be out of compliance with ASMFC requirements, which could result in the complete closure of New York's scup and black sea bass recreational fisheries. A closure would have a large economic impact on the recreational industries that rely on these fisheries.

7. Small business and local government participation:

New York State marine recreational fishers, party and charter businesses, and retail and wholesale marine bait and tackle shops had an opportunity to comment on the proposed scup and black sea bass measures during the Marine Resource Advisory Council Meeting on March 8, 2022. Alternative management measures, which included various combinations of possession limits, size limits, and seasons, were suggested and discussed. While some fishers questioned why measures could not be less restrictive, support was in favor of the measures included in this rule making when compared to alternative options. Pursuant to Environmental Conservation Law section 13-0105, a majority of MRAC members voted in favor of the proposed regulations in this rulemaking.

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

Pursuant to the State Administrative Procedure Act § 202-b(1-a)(b) (SAPA), a cure period is not 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 that the general welfare of the public and the resource are both protected.

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

The department will conduct an initial review of the rule within three years as required by SAPA § 207(1)(b).

Rural Area Flexibility Analysis

The Department of Environmental Conservation (Department) has determined that this rule will not impose any adverse impacts 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 scup and black sea bass fisheries are entirely located within the Marine and Coastal District and are not located adjacent to any rural areas of the State. The proposed 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 to 6 NYCRR Part 40, the Department has determined that a Rural Area Flexibility Analysis is not required.

Job Impact Statement

1. Nature of impact:

This rule making will decrease the harvest of scup and black sea bass in New York by implementing new rules for recreational fishers. The proposed amendment will adopt the following provisions: The recreational minimum size limit for scup will increase from 9 to 10 inches, the recreational minimum size for black sea bass will increase from 15 to 16 inches and the possession limit, from September 1 through December 31, will decrease from 7 fish to 6 fish.

2. Categories and numbers affected:

In 2021, there were 504 licensed party and charter businesses, and a number of retail and wholesale marine bait and tackle shops operating in New York State. Data available from the National Oceanic and Atmospheric Administration's (NOAA) 2021 Marine Recreational Information Program estimates that there were 1,283,257 trips targeting scup and 318,752 trips targeting black sea bass in New York during 2021. These statistics do not include federally permitted commercial vessels operating out of New York State. NOAA's 2017 report on The Economic Contribution of Marine Angler Expenditures on Durable Goods in the United States estimates that recreational angler expenditures contributed 5,739 jobs to the state's economy, and \$473 million to the state's gross domestic product.

3. Regions of adverse impact:

The proposed regulation contains measures that are more restrictive than regulations in place for the 2021 season and could adversely impact recreational fishers and associated businesses throughout most of New York's Marine and Coastal District. By increasing the minimum size limit for both species, and reducing the possession limit for black sea bass, the proposed amendment will effectively decrease the number of scup and black sea bass that can be kept. This could result in a loss of revenue for some recreational fishers, retail and wholesale bait and tackle shops, and party or charter boat license holders. These effects could be more pronounced for recreational black sea bass fishers since they will experience the most reductions to harvest.

4. Minimizing adverse impact:

New York State marine recreational fishers had an opportunity to comment on new recreational fishing measures for scup and black sea bass, including the measures proposed in this rulemaking, during the Marine Resource Advisory Council (MRAC) Meeting on March 8, 2022. Alternative management measures, which included various combinations of possession limits, size limits, and seasons, were suggested and discussed. While some fishers questioned why measures could not be less restrictive, attendees generally favored the measures included in this rule making when compared to alternative options. Pursuant to Environmental Conservation Law section 13-0105, a majority of MRAC members voted in favor of the proposed regulations in this rulemaking.

To remain in compliance with applicable fishery management plans, New York must reduce the harvest of black sea bass and scup. Failing to implement these new measures will place New York out of compliance with ASMFC requirements and could result in a complete closure of New York's scup and black sea bass recreational fisheries.

5. Self-employment opportunities:

Party and charter boat businesses, bait and tackle shops, and marinas are, for the most part, small businesses, owned and often operated by a single owner. The recreational fishing industry is mostly self-employed. This rule will likely have an adverse impact upon businesses related to the recreational harvest of scup and black sea bass. However, maintaining compliance with the ASMFC reductions for recreational scup and black sea bass harvest will prevent potential federal closure of these fisheries for noncompliance.

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

The Department will conduct an initial review of the rule within three years as required by SAPA § 207(b).

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Department of Environmental Conservation publishes a new notice of proposed rule making in the *NYS Register*.

Deer Hunting

I.D. No. ENV-37-21-00004-P	Proposed September 15, 2021	Expiration Date September 15, 2022
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Department of Financial Services

EMERGENCY RULE MAKING

Consolidated Rulemaking Regarding Peer-to-Peer Car Sharing

I.D. No. DFS-40-22-00001-E

Filing No. 742

Filing Date: 2022-09-15

Effective Date: 2022-09-15

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

Action taken: Amendment of Parts 27, 169, 216; Subparts 60-1, 60-2, 65-1, 65-3, 65-4; and addition of Subpart 60-4 to Title 23 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301, 2105, 2118, 2305, 2307, 2334, 2335, 2601, 3420, 3458, 3459, 3460, 5102, 5103, 5105, 5106; arts. 23, 51; General Business Law, art. 40; L. 2021, ch. 795; L. 2022, ch. 129

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

Specific reasons underlying the finding of necessity: Chapter 795 of the Laws of 2021 ("Chapter 795"), as amended by Chapter 129 of the Laws of 2022 ("Chapter 129"), established a new General Business Law Article 40 regarding peer-to-peer car sharing ("car sharing") programs, and amended and added other laws, such as Insurance Law section 3458, to implement General Business Law Article 40. The Governor signed into law Chapter 795 on December 22, 2021, and Chapter 129 on February 24, 2022. These chapters became effective June 20, 2022.

A car sharing program is a program that facilitates the sharing of a motor vehicle. A car sharing program administrator ("administrator") is a person or entity who, for financial consideration, is responsible for operating, facilitating, or administering the means, digital or otherwise, by which a business platform facilitates a car sharing program. Under the new law, an administrator must, among other things, procure a group insurance policy that provides financial responsibility insurance when a vehicle is being used or operated through a car sharing program and that group policy, and not the owner's policy of liability insurance, will provide primary coverage when the vehicle is being shared.

In order to implement Chapters 795 and 129, regulations are required to establish the minimum financial responsibility requirements of General Business Law Article 40 and to update existing regulations to ensure that minimum insurance requirements are in place at all times with appropriate protections for vehicle owners, drivers, and the public.

It is critical for the protection of the public that appropriate rules and regulations be in place on the effective date of Chapters 795 and 129. Accordingly, due to the short time frame before the new laws took effect, it is necessary to promulgate the rulemaking on an emergency basis for the benefit of the general welfare.

Subject: Consolidated rulemaking regarding peer-to-peer car sharing.

Purpose: To ensure consumers have appropriate insurance protection when using or operating a vehicle through a car sharing program.

Substance of emergency rule (Full text is posted at the following State website: https://www.dfs.ny.gov/industry_guidance/regulations/emergency_insurance):

Section 27.5(d)(3) is added to provide that an excess line insurance placement may be completed and executed by an excess line broker or producing broker, on behalf of shared vehicle owners and shared vehicle drivers of a peer-to-peer car sharing program administrator, when a group policy has been obtained by an administrator as the group policyholder pursuant to Insurance Law section 3458, with respect to coverages provided without option by the group policyholder.

Section 27.10(a) is amended to add a reference to Insurance Law section 3458.

Section 60-1.2(b) and (i)(3) are amended to make technical edits and a new subdivision (j) is added to section 60-1.2 to permit an owner's policy of liability insurance to exclude coverage while the motor vehicle is being used through a peer-to-peer car sharing program during the peer-to-peer car sharing period.

Section 60-1.5(e)(5) is amended to make clear that a "rental vehicle" does not include a motor vehicle used through a peer-to-peer car sharing program.

With respect to Section 60-1.5(h), Rental Vehicle Coverage Endorsement, (c)(2) and (e) of Definitions are amended to make technical amendments and to make clear that a "rental vehicle" does not include a motor vehicle used through a peer-to-peer car sharing program.

A new section 60-1.9 is added to provide that an owner's policy of liability insurance is not required to provide excess coverage over a group policy issued pursuant to General Business Law Article 40 until February 1, 2024, where the insurer that issued the owner's policy of liability insurance has filed with the Department a coverage exclusion under 11 NYCRR section 60-1.2(j). Every insurer writing an owner's policy of liability insurance must provide an annual written notice to the named insured under such a policy advising the named insured whether, or to what extent, it provides coverage under the policy while the vehicle is being used as a shared vehicle pursuant to General Business Law Article 40. The notice must also state whether the insurer makes such coverage available on an optional basis.

Section 60-2.0(a)(1) is amended to state that this Subpart implements General Business Law section 901(2)(c), which requires minimum SUM coverage on a group policy satisfying the financial requirements of that subdivision.

Section 60-2.0(d)(2) is amended to add a reference to the definition of "commercial risk insurance" to a vehicle used or operated by a shared vehicle driver in accordance with General Business Law Article 40 and to make technical amendments.

Section 60-2.0(d)(3) is amended to make technical amendments and a new paragraph (4) is added to provide that the terms "group policy", "peer-to-peer car sharing period", "peer-to-peer car sharing program", "peer-to-peer car sharing program administrator", and "shared vehicle driver" have the meanings set forth in General Business Law section 900.

Section 60-2.1(g) is amended to require an insurer providing coverage in satisfaction of the financial responsibility requirements of General Business Law Article 40 to provide SUM coverage in the amount of \$1,250,000 because of bodily injury to or death of one or more persons in any one accident, while the motor vehicle is used or operated under a peer-to-peer car sharing program during the peer-to-peer car sharing period.

A new section 60-2.2(a)(3) is added to require that every insurer writing a group policy in satisfaction of the financial responsibility requirements of General Business Law Article 40 must, with respect to all new and renewal policies, provide a written notice in concise language that includes certain specified information.

With respect to Section 60-2.3(f), Insuring Agreements, III. SUM Coverage Period and Territory, provisions of Exclusions are amended to provide that SUM coverage does not apply to bodily injury to an insured incurred while the insured motor vehicle is used through a peer-to-peer car sharing program during the peer-to-peer car sharing period pursuant to General Business Law Article 40. In addition, footnotes 2, 7, and 8 are amended, footnotes 4-8 are renumbered as footnotes 5-9, and a new footnote 4 is added that provides that an insurer may delete the new exclusion, except an insurer that issues a group policy pursuant to General Business Law Article 40 must delete this exclusion.

A new Subpart 60-4 is added to Part 60 and is entitled "Peer-to-Peer Car Sharing Program: Minimum Provisions for Group Policies and Other Requirements."

Section 65-1.1(a) is amended to reference General Business Law Article 40.

With respect to Section 65-1.1(d), Mandatory Personal Injury Protection Endorsement, subdivisions (k) and (l) of Exclusions are amended to make technical amendments and a new subdivision (m) is added to reference any person who is injured while an insured motor vehicle is being used or operated by a shared vehicle driver pursuant to General Business Law Article 40. In addition, footnotes 1 and 6 are amended, footnotes 6 through 12 are renumbered as footnotes 7 through 13, and a new footnote 6 is added to provide that an insurer may not include the exclusion in a policy used to satisfy the requirements under General Business Law Article 40.

With respect to Section 65-1.3(c), Additional Personal Injury Protection Endorsement, subdivisions (h) and (i) of Exclusions are amended to make technical amendments and a new subdivision (j) is added to reference any person who is injured while the insured motor vehicle is being used or operated by a shared vehicle driver pursuant to General Business Law Article 40. Moreover, footnotes 19 through 23 are renumbered as footnotes 20 through 24, and a new footnote 19 is added to provide that the exclusion may be deleted in the event the insurer wishes to provide coverage under the indicated circumstance. An insurer may not include this exclusion in a policy used to satisfy the requirements under General Business Law Article 40.

With respect to Section 65-1.3(c), Additional Personal Injury Protection

Endorsement, footnote 15 is amended to provide that if the policy is a group policy under General Business Law Article 40, then the insurer may substitute certain language.

Section 65-3.12(b)(2)(i) is amended to reference Insurance Law section 3458 and a peer-to-peer car sharing program administrator and program.

A new Section 65-3.12(b)(4) is added to provide that with respect to any accident, insured event, or occurrence, where a shared vehicle driver was using or operating a motor vehicle pursuant to General Business Law Article 40 when loss, damage, injury, or death occurs: (1) an insurer that issued a group policy pursuant to Insurance Law section 3458 may not seek to recover any amount that it pays pursuant to Insurance Law Article 51 from the insurer that issued the owner's policy of liability insurance issued in satisfaction of the minimum requirements of Vehicle and Traffic Law Article 6; and (2) if an insurer that issued the owner's policy of liability insurance issued in satisfaction of the minimum requirements of Vehicle and Traffic Law Article 6 receives the claim first, the insurer that issued a group policy must fully indemnify the insurer that issued the owner's policy of liability insurance for amounts that it pays pursuant to Insurance Law Article 51.

Section 169.1(d)(1) is amended to make technical amendments and provide that no points or surcharge may be imposed for an accident occurring when an insured or other resident in the insured's household has had an accident while, pursuant to General Business Law Article 40, the insured or other resident was operating a shared vehicle through a peer-to-peer car sharing program during the peer-to-peer car sharing period, unless the policy is providing coverage for such operation of the motor vehicle. If the coverage is provided pursuant to an endorsement, then the insurer may impose a surcharge on the separate premium for the endorsement.

Section 216.2(e) is amended to reference Insurance Law section 3458.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire December 13, 2022.

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

Regulatory Impact Statement

1. Statutory authority: The Superintendent's authority to promulgate this rulemaking derives from Financial Service Law ("FSL") sections 202 and 302, Insurance Law ("IL") sections 301, 2105, 2118, 2305, 2307, 2334, 2335, 2601, 3420, 3458, 3459, 3460, 5102, 5103, 5105, and 5106 and Articles 23 and 51, General Business Law ("GBL") Article 40, Chapter 795 of the Laws of 2021 ("Chapter 795"), and Chapter 129 of the Laws of 2022 ("Chapter 129").

FSL section 202 establishes the office of the Superintendent and designates the Superintendent as the head of the Department of Financial Services ("Department").

FSL section 302 and Insurance Law section 301 authorize the Superintendent to effectuate any power accorded to the Superintendent by the Insurance Law, the Banking Law, the Financial Services Law, or any other law of this state and to prescribe regulations interpreting the Insurance Law, among other things.

IL sections 2105 and 2118 govern excess line brokers and excess line placements.

IL Article 23 applies generally to property/casualty insurance rates and forms. Sections 2305 and 2307 apply to prior approval of certain rates and policy forms. IL sections 2334 and 2335 govern merit rating plans for non-commercial private passenger automobile insurance and surcharges on motor vehicle liability insurance rates with respect to certain accidents and traffic infractions.

IL section 2601 prohibits unfair claim settlement practices in this State.

IL section 3420 establishes the minimum provisions for liability policies in this State and governs uninsured and supplementary uninsured/underinsured motorist coverage.

IL section 3428 governs car sharing group insurance policies.

IL section 3459 governs car sharing exclusions for motor vehicle insurance policies.

IL section 3460 prohibits cancellation of a policy when a motor vehicle is used or operated through a car sharing program.

IL Article 51 governs no-fault insurance. Sections 5102, 5103, 5105, and 5106 implement provisions regarding no-fault insurance as they apply to use of motor vehicles through a car sharing program.

Chapter 795, as amended by Chapter 129, established a new General Business Law Article 40 and made certain amendments to the Insurance Law, among other laws, to legalize peer-to-peer car sharing ("car sharing") in New York. General Business Law Article 40 governs car sharing in New York.

2. Legislative objectives: To legalize car sharing in New York and permit group insurance for car sharing.

3. Needs and benefits: Chapter 795, as amended by Chapter 129, legalized car sharing in New York and became effective June 20, 2022. A car sharing program is a program that facilitates the sharing of a motor vehicle. A car sharing program administrator ("administrator") is a person or entity who, for financial consideration, is responsible for operating, facilitating, or administering the means, digital or otherwise, by which a business platform facilitates a car sharing program. An administrator does not include a person or entity engaged in the business of renting or leasing rental vehicles. Under the new law, an administrator must, among other things, procure a group insurance policy that provides financial responsibility insurance when a vehicle is being used or operated through a car sharing program and that group policy, and not the owner's policy of liability insurance, will provide primary coverage when the vehicle is being shared. An administrator may procure the group policy from the excess line market if not available from authorized insurers.

This rulemaking accords with the Legislature's public policy objectives by amending existing and adding new requirements to conform to the amendments made by Chapters 795 and 129 and ensuring that minimum insurance requirements are always in place with appropriate protections for vehicle owners, drivers, and the public.

4. Costs: Authorized insurers may incur costs to file new policy rates and forms. However, that is the consequence of Chapters 795 and 129 and not this rulemaking. Insurers also may incur a cost to provide certain notices to insureds, such as notices to insureds regarding whether the insured's owner's policy of liability insurance provides coverage when the vehicle is shared through a car sharing program.

Excess line brokers may incur costs because the broker must provide a written affirmation annually of the unavailability of coverage from authorized insurers if the group policy is procured from the excess line market. However, this is a consequence of Chapters 795 and 129 and not of the rulemaking. The rulemaking also requires the broker to obtain commitments from the unauthorized insurer. This should present no significant additional costs to the broker.

Administrators may incur costs if the group policy lapses because the rulemaking requires the administrator to be subject to 11 NYCRR 65-3 and 11 NYCRR 65-4.

The Department may incur costs to review the new policy rates and forms that authorized insurers may file to implement Chapters 795 and 129. While it is not expected that there will be many group insurance policy forms and rates filed, most insurers writing motor vehicle insurance may file exclusions to their owner's liability insurance policies for vehicles used or operated through a car sharing program. However, any additional costs incurred should be minimal and the Department should be able to absorb such costs in its ordinary budget.

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: Authorized insurers may need to file new policy forms and rates and insurers will need to provide certain notices to insureds. Excess line brokers must provide a written affirmation annually of the unavailability of coverage from authorized insurers if the group policy is procured from the excess line market and must obtain a commitment from the unauthorized insurer.

7. Duplication: This rulemaking does not duplicate, overlap, or conflict with any existing State or federal rules or other legal requirements.

8. Alternatives: The Department considered not promulgating the rulemaking. However, the rulemaking is necessary to conform to the changes made by Chapters 795 and 129.

The Department also considered prohibiting a group policy or certificate from containing a liability insurance deductible. However, after discussing with administrators, the Department decided to permit a group policy to set forth a liability insurance deductible for which the insurer is responsible to pay for damages to third-party claimants and the administrator is solely responsible for reimbursing the insurer up to the amount of the liability insurance deductible.

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

10. Compliance schedule: The rulemaking will take effect upon the filing of the Notice of Emergency Adoption with the Secretary of State.

Regulatory Flexibility Analysis

1. Effect of rule: This consolidated rulemaking amends existing and adds new requirements applicable to motor vehicle insurance to conform to Chapter 795 of the Laws of 2021 and Chapter 129 of the Laws of 2022, which legalized peer-to-peer car sharing ("car sharing") in New York and permitted group insurance for car sharing pursuant to General Business Law Article 40 and Insurance Law section 3458. The rulemaking applies to insurers providing motor vehicle insurance in New York, licensed excess line brokers, and peer-to-peer car sharing administrators ("administrators").

Industry has asserted in the past that certain insurers, in particular mutual insurers, subject to the rulemaking fall within the definition of a “small business” as defined by State Administrative Procedure Act section 102(8) because in general they are independently owned and have fewer than 100 employees.

Certain portions of the rulemaking also apply to licensed excess line brokers. There are approximately 1,377 business entities and 3,317 individuals licensed as excess line brokers in New York. Many of these brokers may be small businesses but the Department does not know how many are.

Certain portions of the rulemaking will also affect administrators, which may be small businesses.

2. Compliance requirements: No local government will have to undertake any reporting, recordkeeping, or other affirmative acts to comply with the rulemaking because the rulemaking does not apply to any local government.

Authorized insurers that are small businesses may need to file new policy forms and rates. However, that is the consequence of Chapters 795 and 129 and not this rulemaking. Insurers that are small businesses will need to provide certain notices to insureds, including a notice from an authorized insurer upon issuance and renewal regarding whether and, if so, to what extent, an owner’s policy of liability insurance provides coverage when the vehicle is used or operated through a car sharing program.

Excess line brokers that are small businesses must provide written affirmations annually of the unavailability of coverage from authorized insurers if the group policy is procured from the excess line market and must obtain commitments from the unauthorized insurers.

Administrators that are small businesses will be subject to 11 NYCRR 65-3 and 11 NYCRR 65-4 if the group policy lapses.

3. Professional services: No local government will need professional services to comply with this rulemaking because the rulemaking does not apply to any local government. The Department of Financial Services (“Department”) does not anticipate that any insurer, excess line broker, or administrator that is a small business affected by the rulemaking, if any, should need to retain professional services, such as lawyers or auditors, to comply with this rulemaking.

4. Compliance costs: Authorized insurers may incur costs to file new policy rates and forms. However, that is the consequence of Chapters 795 and 129 and not this rulemaking. Insurers also may incur a cost to provide certain notices to insureds, such as notices to insureds regarding whether the insured’s owner’s policy of liability insurance provides coverage when the vehicle is shared through a car sharing program.

Excess line brokers that are small businesses may incur costs because the broker must provide a written affirmation annually of the unavailability of coverage from authorized insurers if the group policy is procured from the excess line market. However, this is a consequence of Chapters 795 and 129 and not of the rulemaking. The rulemaking also requires the broker to obtain commitments from the unauthorized insurer. This should present no significant additional costs to the broker.

Administrators may incur costs if the group policy lapses because the rulemaking requires the administrator to be subject to 11 NYCRR 65-3 and 11 NYCRR 65-4.

5. Economic and technological feasibility: This rulemaking does not apply to any local government; therefore, no local government should experience any economic or technological impact because of the rulemaking. No insurer, excess line broker, or administrator that is a small business affected by the rulemaking, if any, should experience any economic or technological impact because of the rulemaking.

6. Minimizing adverse impact: There will not be an adverse impact on any local government because the rulemaking does not apply to any local government. This rulemaking should not have an adverse impact on an insurer, excess line broker, or administrator that is a small business affected by the rulemaking, if any, because the rulemaking uniformly affects all insurers, excess line brokers, and administrators that are subject to the rulemaking.

7. Small business and local government participation. The Department met with administrators that may be small businesses to discuss certain parts of the rule. All small businesses and local governments will have an opportunity to participate in the rulemaking process when the rule is published in the State Register and posted on the Department’s website.

Rural Area Flexibility Analysis

The Department of Financial Services (“Department”) finds that this consolidated rulemaking will not have any adverse economic impact or impose compliance requirements on rural areas. The rulemaking applies uniformly to insurers, licensed excess line brokers, and peer-to-peer car sharing administrators (“administrators”) that do business in both rural and non-rural areas of New York State. Insurers, excess line brokers, and administrators, including those located in rural areas, will have an opportunity to participate in the rule-making process when the rule is published in the State Register and posted on the Department’s website.

Job Impact Statement

The Department of Financial Services finds that this consolidated rulemaking will not have a substantial adverse impact on jobs and employment opportunities. The rulemaking implements Chapter 795 of the Laws of 2021 and Chapter 129 of the Laws of 2022, which legalized peer-to-peer car sharing in New York, and in doing so aims to ensure that consumers will have appropriate insurance protection when using or operating a vehicle through a car sharing program.

New York State Gaming Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Licensing and Registration of Gaming Facility Employees and Vendors

I.D. No. SGC-40-22-00009-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 5300.1, 5301.4, 5303.14, 5304.1, 5304.2, 5305.1, 5305.2, 5305.3, 5305.4, 5306.2, 5306.3, 5306.4, 5307.3 and 5307.5 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(19), 1307(1), 1307(2), 1322, 1323, 1324, 1325, 1326 and 1327

Subject: Licensing and registration of gaming facility employees and vendors.

Purpose: To govern the licensing and registration of gaming facility employees and vendors.

Substance of proposed rule (Full text is posted at the following State website: <https://www.gaming.ny.gov/proposedrules.php>): Proposed changes to Rule 5300.1 would extend passive investor and qualified institutional investor definitions to threshold ownership interests in any type of entity, in addition to publicly traded corporations.

Proposed changes to Rule 5301.4 would clarify that waiver provisions apply to licensing standards and qualification standards.

Proposed changes to Rule 5303.14 would clarify that an applicant denied a license or registration based on criminal history is not barred from applying for a different position, as the relevancy of the criminal history may differ depending upon the position for which the applicant applies.

Proposed changes to Rules 5304.1, 5305.2, and 5306.2 would clarify standards for licensure or registration, by incorporating statutory cross-references to important provisions or otherwise setting forth standards by regulation.

Proposed changes to Rules 5304.2, 5305.3, and 5306.3 would clarify that incomplete or misleading information on an occupational license or registration application may result in denial of licensure.

Proposed changes to Rule 5305.1 would eliminate a provision that is inconsistent with the practice of temporary licensure of gaming employee registrants.

Proposed changes to Rule 5306.3 would clarify discretion to determine the scope of investigation of non-gaming employee registrants.

Proposed changes to Rule 5306.4 would clarify the duration of a non-gaming employee registration.

Proposed changes to Rule 5307.3 would clarify the circumstances under which certain vendors are not required to be registered.

Proposed changes to Rule 5307.5 would broaden the scope of discretionary waivers of licensing and qualification requirements for passive or institutional investors. Additionally, the proposed changes would establish wagering restrictions for owners, managers, supervisory personnel and employees of casino vendor enterprise or ancillary casino vendor enterprise licensees that provide services to a gaming facility.

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

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

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

Regulatory Impact Statement

1. **STATUTORY AUTHORITY:** Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") section 104(19) grants authority to the Gaming Commission ("Commission") to promulgate rules and regulations that it deems necessary to carry out its responsibilities. 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. Racing Law section 1307(1) grants rule making authority to the Commission to implement, administer and enforce the provisions of Racing Law Article 13, which governs the operation of commercial casinos in the State.

Racing Law section 1307(2) prescribes that the Commission regulate, among other things: the methods and forms of application and registration that any applicant or registrant shall follow and complete; the methods, procedures, and form for delivery of information concerning any person's family, habits, character, associates, criminal record, business activities and financial affairs; the procedures for the fingerprinting of an employee of a licensee, or registrant; the manner and method of collection of payments of fees; and the grounds and procedures for the revocation or suspension of licenses and registrations.

Racing Law section 1322 requires the Commission to regulate the form by which applicants, licensees and registrants provide information pertaining to their qualifications for licensure or registration.

Racing Law section 1323 requires the Commission to regulate the procedures for photographing and fingerprinting applicants, licensees and registrants for identification and investigation purposes.

Racing Law section 1324 requires the Commission to regulate the method and form of registration that a gaming employee shall follow and complete, and the form for delivery of information pertaining to a gaming employee's qualifications for registration.

Racing Law section 1325 requires the Commission to establish by regulation appropriate fees to be paid upon the filing of the required applications.

Racing Law section 1326 requires the Commission to establish by regulation the time period during which a casino vendor may conduct business transactions with a gaming facility applicant or licensee prior to the casino vendor receiving a license. Racing Law section 1326 also requires the Commission to regulate the method and form of vendor registration.

Racing Law section 1327 requires the Commission to establish by regulation appropriate fees to be imposed on vendor registrants.

2. **LEGISLATIVE OBJECTIVES:** The above-referenced statutory provisions carry out the legislature's stated goal "to tightly and strictly" regulate casinos "to guarantee public confidence and trust in the credibility and integrity of all casino gambling in the state and to prevent organized crime from any involvement in the casino industry" as set forth in Racing Law section 1300(10).

3. **NEEDS AND BENEFITS:** The proposed amendments would continue to implement the above-listed statutory directives in regard to the establishment of licensing and registration requirements for gaming facility employees and vendors. The amendments would specify requirements for updating information contained in applications, specify the process of reapplication after a denial or revocation of a license or registration, clarify the categories of vendor licensing and designate additional groups of vendors who are not required to be licensed. Experience with occupational and vendor licensing applications suggests these rules should be clarified and modified to enhance applicants' and licensees' understanding of and compliance with the licensing process, which will enhance agency review and determinations and better guide regulated parties' understanding of standards and requirements, including those of full disclosure of required information. Extending passive investor and qualified institutional investor definitions to threshold ownership interests in any type of entity, in addition to publicly traded corporations, will streamline licensing requirements and reduce paperwork for regulated parties, as will broadening the scope of discretionary waivers of licensing and qualification requirements for passive or institutional investors. Clarifying that waiver provisions apply to licensing standards and qualification standards will better guide applicants and licensees. Establishing wagering restrictions for owners, managers, supervisory personnel and employees of casino vendor enterprise or ancillary casino vendor enterprise licensees that provide services to a gaming facility will enhance public confidence in the integrity of casino gaming.

4. **COSTS:**

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: There are no new or additional costs associated with the proposed amendments. The amendments seek to clarify the existing licensing and registration process and, in certain circumstances, exempt specific vendors from the licensing or registration process, reducing overall costs to the gaming facilities and the vendors.

(b) Costs to the regulating agency, the State, and local governments for

the implementation of and continued administration of these rules: There are no new or additional costs associated with the proposed amendments. The amendments seek to clarify the existing process and, in certain cases, enumerate the specific vendors that would be exempt from the licensing or registration process, reducing overall costs to the division of the state police and the Commission. The proposed amendments will not impose any additional costs on local governments.

(c) The information, including the source or sources of such information, and methodology upon which the cost estimate is based: These proposed amendments are clarifying the process of licensing and registration of gaming facility employees and vendors. They impose no additional costs; no methods were used to determine the costs to the regulated parties or the Commission and the State.

5. **LOCAL GOVERNMENT MANDATES:** These proposed amendments do not impose any mandatory program, service, duty, or responsibility upon local government because the licensing and registration of gaming facility employees and vendors is strictly a matter of State law and carried out by the Commission.

6. **PAPERWORK:** These proposed amendments are not expected to impose any significant paperwork requirements for gaming facility employees and vendor applicants other than the paperwork already required by the existing rules.

7. **DUPLICATION:** The proposed amendments do not duplicate, overlap or conflict with any existing State or federal requirements.

8. **ALTERNATIVES:** The Commission had consulted stakeholders and reviewed other gambling jurisdiction best practices and regulations. Alternatives were discussed and considered with stakeholders and compared to other jurisdiction regulations. These included the type of information required to be updated from an employee or vendor application; the appropriate vendors to be exempt from the licensing or registration process; and the types of vendors to be properly classified as ancillary vendor enterprises.

9. **FEDERAL STANDARDS:** There are no federal standards applicable to the licensing or registration of gaming employees and vendors in New York. It is purely a matter of New York State law.

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

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

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

The proposed rulemaking is a revision to the New York State Gaming Commission's commercial casino rules with respect to licensing and registration requirements for gaming facility employees and vendors. The proposal would specify requirements for updating information contained in applications, specify the process of reapplication after a denial or revocation of a license or registration, clarify the categories of vendor licensing and designate additional groups of vendors who are not required to be licensed.

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

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Ineligible Potential Claimants in Thoroughbred Claiming Races

I.D. No. SGC-40-22-00010-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 4038.1, 4038.3, 4038.4, 4038.5, 4038.6, 4038.7, 4038.11, 4038.15 and 4038.17 of Title 9 NYCRR.

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

Subject: Ineligible potential claimants in Thoroughbred claiming races.

Purpose: To establish procedures for identifying ineligible claimants and resolving challenges to claims.

Substance of proposed rule (Full text is posted at the following State website: <https://www.gaming.ny.gov/proposedrules.php>): The proposed amendments to section 4038.5 would make explicit the current practice that it is the responsibility of the track's racing secretary to verify the eligibility of potential claimants and conduct the disposition of the horse

by lot in the event of multiple claims. The amendments would also establish a deadline of one hour after a race for an objection to a claim award to be made, in which case the stewards would hear from the interested parties the same day and determine whether to void the claim and then award it to a remaining eligible potential claimant, by lot if there is more than one eligible potential claimant remaining. There would be no further appeal to the Commission so long as this process was followed, given the need for finality to determine the custody and care of the horse. Similarly, if the stewards discover, even absent an objection by a horseperson, that a claim had been awarded to an ineligible claimant, the stewards would need to act within 24 hours of the race to be able to order the delivery of the horse to a different owner or trainer. The amendments would make explicit that a horseperson who enters a potential claim despite being ineligible, and track office personnel charged with verifying eligibility who fail to do so properly, may face Commission discipline. The amendments would make explicit that a claim shall be void for any horse that is scratched before the race is started.

The proposed amendments to sections 4038.1, 4038.3, 4038.4, 4038.6, 4038.7, 4038.15, and 4038.17 would make stylistic edits, including the addition of titles to subdivisions.

The proposed amendments to section 4038.11 would move a provision on voiding a claim from section 4038.11(b) to section 4038.5(c)(2)(ii), to organize that material with other voiding provisions.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, NY 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.

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) and (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 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 enable the Commission to enhance the integrity of Thoroughbred horse racing.

3. **NEEDS AND BENEFITS:** This rule making proposes to amend the Commission's regulations pertaining to Thoroughbred claiming races. Claimants generally must be licensed and have participated in the current or prior race meeting in order to claim. The track's racing office is tasked with verifying claimant eligibility. If an ineligible potential claimant is initially awarded a claim due to administrative error in not noting the ineligibility, complications arise when the claim is voided and there is a dispute over custody of the horse. If the horse remains with an ineligible claimant or is returned to the original owner from before the race, the horse may be trained or treated in a manner that is not preferred by the claimant who may be eventually awarded the horse, either by order of the stewards or through the Commission's dispute-resolution processes. It is in everyone's interests for any objections to a claim and any stewards' order in regard to ownership of a horse be raised and resolved as quickly as possible, so that custody of the horse may be determined promptly. This proposal would make explicit the current practice that it is the responsibility of the track's racing secretary to verify the eligibility of potential claimants and conduct the disposition of the horse by lot in the event of multiple claims. The proposal would establish a deadline of one hour after a race for an objection to a claim award to be made, in which case the stewards would hear from the interested parties the same day and determine whether to void the claim and then award it to a remaining eligible potential claimant, by lot if there is more than one eligible potential claimant remaining. There would be no further appeal to the Commission so long as this process was followed, given the need for finality to determine the custody and care of the horse. Similarly, according to this proposal, if the stewards discover, even absent an objection by a horseperson, that a claim had been awarded to an ineligible claimant, the stewards would need to act within 24 hours of the race to be able to order the delivery of the horse to a different owner or trainer.

4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: These amendments will not add any new mandated costs to the existing rules.

(b) Costs to the regulating agency, the State, and local governments for

the implementation of and continued administration of the rule: None anticipated. The amendments will not add any new costs. There will be no costs to local government because the Commission is the only governmental entity authorized to regulate Thoroughbred racing.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: Experience of agency staff.

5. **LOCAL GOVERNMENT MANDATES:** None. The Commission is the only governmental entity authorized to regulate Thoroughbred racing activities.

6. **PAPERWORK:** There will be no additional paperwork.

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

8. **ALTERNATIVES:** The alternative of not revising claiming rules was considered and rejected. The current rules do not provide for quick and efficient methods of identifying ineligible potential claimants and resolving objections to claims, nor do they provide for timely finality to resolve disputes when the custody of a horse is questioned.

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

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

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

The proposed changes do not require a Regulatory Flexibility Analysis, Rural Area Flexibility Analysis or Job Impact Statement. There will be no adverse impact on small businesses, local governments, rural areas or jobs.

The proposed rule making would address ineligible potential claimants in Thoroughbred claiming races, establish procedures for resolving challenges to claims and address horse custody if the stewards discover a claimant had been ineligible.

The proposed rules will not impose any adverse economic impacts or reporting, recordkeeping or other compliance requirements on small businesses, local governments, rural areas or employment opportunities. No local government activities are involved.

Department of Health

EMERGENCY RULE MAKING

Surge and Flex Health Coordination System

I.D. No. HLT-07-22-00011-E

Filing No. 745

Filing Date: 2022-09-20

Effective Date: 2022-09-20

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

Action taken: Addition of sections 1.2, 700.5, Part 360; amendment of sections 400.1, 405.24, 1001.6 of Title 10 NYCRR; amendment of sections 487.3, 488.3 and 490.3 of Title 18 NYCRR.

Statutory authority: Public Health Law, sections 225, 576, 2800, 2803, 4662; Social Services Law, section 461

Finding of necessity for emergency rule: Preservation of public health.

Specific reasons underlying the finding of necessity: During a State disaster emergency with significant public health impact, and where compliance with certain regulations may prevent, hinder or delay action necessary to cope with the disaster, as has been the case with COVID-19, these proposed regulations will ensure that the State has the most efficient regulatory tools to facilitate the State's and regulated parties' response efforts to Surge and Flex the healthcare system statewide. Additionally, this authority will also ensure that the Department has the flexibility to impose additional requirements, where necessary, to ensure effective response to a declared state disaster emergency. Accordingly, these tools will help ensure the health and safety of patients and residents in New York State.

The Surge and Flex Health Care Coordination System was activated during the COVID-19 State disaster emergency which was declared by Governor Cuomo under Executive Orders No. 202 through 202.111 (March 7, 2020 to June 15, 2021; see 9 NYCRR §§ 8.202 through 8.202.111), the State disaster emergency which was declared by Governor

Hochul under Executive Orders No. 4 through 4.12 (September 27, 2021 to September 27, 2022; see 9 NYCRR §§ 9.4 through 9.4.8), and the State disaster emergency which was declared by Governor Hochul under Executive Orders No. 11 through 11.9 (November 26, 2021 to September 12, 2022; see 9 NYCRR §§ 9.11 through 9.11.9).

Of note, a Notice of Proposed Rule Making was published in the State Register on February 16, 2022, with a public comment period that ended on April 18, 2022. The Department intends these emergency regulations to be in effect only until such time as the Department can fully review the public comments received, determine whether any amendments to the rule are necessary based on such comments, publish an Assessment of Public Comment and adopt a Final Rule, which would make the Proposed Rule permanent.

Subject: Surge and Flex Health Coordination System.

Purpose: Provides authority to the Commissioner to direct certain actions and waive certain regulations in an emergency.

Substance of emergency rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/emergency>): Although the Governor retains authority to issue Executive Orders to temporarily suspend or modify regulations pursuant to the Executive Law, these regulatory amendments provide an expedient and coherent plan to implement quickly the relevant temporary suspensions or modifications. The regulatory amendments permit the State Commissioner of Health or designee to take specific actions, as well as to temporarily suspend or modify certain regulatory provisions (or parts thereof) in Titles 10 and 18 of the NYCRR during a state disaster emergency, where such provisions are not required by statute or federal law. These amendments also permit the Commissioner to take certain actions, where consistent with any Executive Order (EO) issued by the Governor during a declared state disaster emergency. Examples include issuing directives to authorize and require clinical laboratories or hospitals to take certain actions consistent with any such EOs, as well as the temporary suspension or modification of additional regulatory provisions when the Governor temporarily suspends or modifies a controlling state statute.

The regulatory amendments also require hospitals to: develop disaster emergency response plans; maintain a 60-day supply of personal protective equipment (PPE); ensure that staff capable of working remotely are equipped and trained to do so; and report data as requested by the Commissioner.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. HLT-07-22-00011-P, Issue of February 16, 2022. The emergency rule will expire November 18, 2022.

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

Regulatory Impact Statement

Statutory Authority:

The authority for the promulgation of these regulations with respect to facilities subject to Article 28 of the Public Health Law (PHL) is contained in PHL sections 2800 and 2803(2). PHL Article 28 (Hospitals), section 2800, specifies: "Hospital and related services including health-related service of the highest quality, efficiently provided and properly utilized at a reasonable cost, are of vital concern to the public health. In order to provide for the protection and promotion of the health of the inhabitants of the state, pursuant to section three of article seventeen of the constitution, the department of health shall have the central, comprehensive responsibility for the development and administration of the state's policy with respect to hospital and related services, and all public and private institutions, whether state, county, municipal, incorporated or not incorporated, serving principally as facilities for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition or for the rendering of health-related service shall be subject to the provisions of this article." PHL section 2801 defines the term "hospital" as also including residential health care facilities (nursing homes) and diagnostic and treatment centers (D&TCs). PHL section 2803 (2) authorizes PHHPC to adopt and amend rules and regulations, subject to the approval of the Commissioner, to implement the purposes and provisions of PHL Article 28, and to establish minimum standards governing the operation of such health care facilities.

PHL section 4662 authorizes the Commissioner to issue regulations governing assisted living residences. Social Services Law (SSL) section 461(1) authorizes the Commissioner to promulgate regulations establishing standards applicable to adult care facilities. PHL section 576 authorizes the Commissioner to regulate clinical laboratories.

PHL section 225 authorizes the Public Health and Health Planning Council (PHHPC) and the Commissioner to establish and amend the State

Sanitary Code (SSC) provisions related to any matters affecting the security of life or health or the preservation and improvement of public health in the State of New York.

Upon the future declaration of any disaster emergency, any further authorization by the Governor pursuant to article 2-B of the Executive Law, if it should suspend any statutes which otherwise conflict with these regulations, will establish the immediate effectiveness of these provisions.

Legislative Objectives:

The objectives of PHL Article 28 include protecting the health of New York State residents by ensuring that they have access to safe, high-quality health services in medical facilities, while also protecting the health and safety of healthcare workers. Similarly, PHL Articles 36 and 40 ensure that the Department has the tools needed to achieve these goals in the home care and hospice spaces, and PHL section 4662 and SSL section 461 likewise ensure that the Department has appropriate regulatory authority with respect to assisted living residences and adult care facilities. PHL section 576 ensures that the Commissioner has appropriate regulatory authority over clinical laboratories. Finally, PHL section 225 ensures that the State Sanitary Code includes appropriate regulations in the areas of communicable disease control and environmental health, among others.

By permitting the Commissioner to temporarily suspend or modify regulatory provisions in each these areas, where not required by state statute or federal law, or where authorized by a gubernatorial Executive Order, these amendments provide crucial flexibility for this and future emergency response efforts.

Needs and Benefits:

During a state disaster emergency, Section 29-a of the Executive Law permits the Governor to, among other things, "temporarily suspend specific provisions of any statute, local law, ordinance, or orders, rules or regulations, or parts thereof, of any agency during a state disaster emergency, if compliance with such provisions would prevent, hinder, or delay action necessary to cope with the disaster."

Although the Governor retains authority to issue Executive Orders to temporarily suspend or modify regulations pursuant to the Executive Law, these proposed regulatory amendments would provide an expedient and coherent plan to implement quickly the relevant temporary suspensions or modifications. The proposed regulatory amendments would permit the State Commissioner of Health or designee to take specific actions, as well as to temporarily suspend or modify certain regulatory provisions (or parts thereof) in Titles 10 and 18 of the NYCRR during a state disaster emergency, where such provisions are not required by statute or federal law. These proposed amendments would also permit the Commissioner to take certain actions, where consistent with any Executive Order (EO) issued by the Governor during a declared state disaster emergency. Examples include issuing directives to authorize and require clinical laboratories or hospitals to take certain actions consistent with any such EOs, as well as the temporary suspension or modification of additional regulatory provisions when the Governor temporarily suspends or modifies a controlling state statute.

The proposed regulatory amendments would also require hospitals to: develop disaster emergency response plans; maintain a 60-day supply of personal protective equipment (PPE); ensure that staff capable of working remotely are equipped and trained to do so; and report data as requested by the Commissioner.

During a state disaster emergency with significant public health impact, and where compliance with certain regulations may prevent, hinder or delay action necessary to cope with the disaster, as is the case with COVID-19, this authority will ensure that the State has the most efficient regulatory tools to facilitate the State's and regulated parties' response efforts to Surge and Flex the healthcare system statewide. Additionally, this authority will also ensure that the Department has the flexibility to impose additional requirements, where necessary, to ensure effective response to a declared state disaster emergency. Accordingly, these tools will help ensure the health and safety of patients and residents in New York State.

Costs:

Costs to Regulated Parties:

As demonstrated during the COVID-19 pandemic emergency, significant provider costs, as well as local, regional and state costs, were incurred as a result of the need to respond to the demand for urgent healthcare and related services. These costs had significant impact throughout the state. It is anticipated there would be similar types of costs in a widespread emergency that would need to be addressed through both appropriate preparedness as well as within, and as part of, a coordinated response to a specific situation.

To the extent that additional requirements are imposed on regulated parties by these proposed regulatory amendments, most requirements would be in effect only for the duration of a declared state disaster emergency, with the hope of limiting costs to the extent possible.

Costs to Local Governments:

As demonstrated during the COVID-19 pandemic emergency, signifi-

cant provider costs, as well as local, regional and state costs, were incurred as a result of the need to respond to the demand for urgent healthcare and related services. These costs had significant impact throughout the state. It is anticipated there would be similar types of costs in a widespread emergency that would need to be addressed through both appropriate preparedness as well as within and as part of a coordinated response to a specific situation.

To the extent additional requirements are imposed on local governments that operate facilities regulated by the Department, most requirements would be in effect only for the duration of a declared state disaster emergency, with the hope of limiting costs to the extent possible.

Cost to State Government:

The administration and oversight of these planning and response activities will be managed within the Department's existing resources.

Paperwork:

It is not anticipated that the proposed regulatory amendments will impose any significant paperwork requirements. Although these proposed amendments require additional reporting, these reports can be submitted electronically using the current platforms that facilities are already using. Moreover, such reporting requirements would only be activated during a declared state disaster emergency, thereby limiting the burden.

Local Government Mandates:

Facilities operated by local governments will subject to the same requirements as any other regulated facility, as described above.

Duplication:

These proposed regulatory amendments do not duplicate State or Federal rules.

Alternatives:

The alternative would be to not promulgate the regulation. However, this alternative was rejected, as the Department believes that these regulatory amendments are necessary to facilitate response to a state disaster emergency.

Federal Standards:

42 CFR 482.15 establishes emergency preparedness minimum standards in four core areas including emergency planning, development of applicable policies and procedures, communications plan, and training and testing. These proposed amendments would complement the federal regulation and further strengthen hospitals' emergency preparedness and response programs.

Compliance Schedule:

These regulatory amendments will become effective upon filing with the Department of State.

Regulatory Flexibility Analysis

Effect of Rule:

The proposed regulatory amendments would primarily affect health care professionals, licensed health care facilities, permitted clinical laboratories, emergency medical service personnel, providers, and agencies, and pharmacies.

Compliance Requirements:

A significant portion of these regulatory amendments are designed to provide regulatory relief during a declared state disaster emergency. Where the regulatory amendments would impose requirements, most of them would only be applicable when there is a declared state disaster emergency. An example of a requirement that may be implemented during a declared state disaster emergency is reporting of data and inventory as requested by the Commissioner (i.e. medical supplies and equipment, as well as hospital bed capacity, bed utilization, patient demographics, etc.). There are certain ongoing requirements proposed by this regulatory amendments, which would apply regardless of whether there is a declared state disaster emergency, in which hospitals would be required to: (1) maintain minimum levels of PPE; (2) ensure work from home capabilities; and (3) develop disaster emergency response plans.

Professional Services:

It is not expected that any professional services will be required to comply with the proposed regulatory amendments.

Compliance Costs:

As demonstrated during the COVID-19 pandemic emergency, significant provider costs, as well as local, regional and state costs, were incurred as a result of the need to respond to the demand for urgent healthcare and related services. These costs had significant impact throughout the state. It is anticipated there would be similar types of costs in a widespread emergency that would need to be addressed through both appropriate preparedness as well as within and as part of a coordinated response to a specific situation.

To the extent additional requirements are imposed on small businesses and local governments by these proposed regulatory amendments, most requirements would only be in effect for the duration of a declared state disaster emergency, with the hope of limiting costs to the extent possible. Ongoing costs requiring hospitals to maintain a minimum PPE supply and ensure work from home capabilities should have been addressed through-

out the ongoing COVID-19 pandemic, thereby limiting costs of continued implementation. Ongoing costs related to hospital development of disaster emergency response plan will complement and build upon existing planning documents that hospitals are already required to have, which also limits costs.

Economic and Technological Feasibility:

There are no economic or technological impediments to the proposed regulatory amendments.

Minimizing Adverse Impact:

Although the proposed regulatory amendments impose some additional requirements on regulated parties, most of these requirements are only triggered during a declared state disaster emergency. Proposed amendments that would impose ongoing requirements would only apply to hospitals, and as noted above, will largely be a continuation of the efforts already being employed by these entities.

Small Business and Local Government Participation:

The Surge and Flex Health Care Coordination System was activated during the COVID-19 State disaster emergency which was first declared on March 7, 2020, and it has been used throughout the COVID-19 pandemic. The public has been permitted to comment at the public meetings during which the Public Health and Health Planning Council has approved this regulation on an emergency basis. A Notice of Proposed Rule Making was published in the State Register on February 16, 2022, with a public comment period that ended on April 18, 2022, and the Department will publish an Assessment of Public Comment before a Final Rule is adopted.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

Although this rule applies uniformly throughout the state, including rural areas, for the purposes of this Rural Area Flexibility Analysis (RAFA), "rural area" means areas of the state defined by Exec. Law § 481(7) (SAPA § 102(10)). Per Exec. Law § 481(7), rural areas are defined as "counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, and programs and such other entities or resources found therein. In counties of two hundred thousand or greater population 'rural areas' means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein." The following 43 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2010:

Allegany County	Greene County	Schoharie County
Cattaraugus County	Hamilton County	Schuyler County
Cayuga County	Herkimer County	Seneca County
Chautauqua County	Jefferson County	St. Lawrence County
Chemung County	Lewis County	Steuben County
Chenango County	Livingston County	Sullivan County
Clinton County	Madison County	Tioga County
Columbia County	Montgomery County	Tompkins County
Cortland County	Ontario County	Ulster County
Delaware County	Orleans County	Warren County
Essex County	Oswego County	Washington County
Franklin County	Otsego County	Wayne County
Fulton County	Putnam County	Wyoming County
Genesee County	Rensselaer County	Yates County
	Schenectady County	

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

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

Reporting, Recordkeeping, and Other Compliance Requirements; and Professional Services:

A significant portion of these regulatory amendments are designed to provide regulatory relief during a declared state disaster emergency. Where the regulatory amendments would impose requirements, most of them

would only be applicable when there is a declared state disaster emergency. An example of a requirement that may be implemented during a declared state disaster emergency is reporting of data and inventory as requested by the Commissioner (i.e. medical supplies and equipment, hospital bed capacity, bed utilization, patient demographics, etc.). There are certain ongoing requirements proposed by this regulatory amendments, regardless of whether there is a declared state disaster emergency, in which hospitals would be required to: (1) maintain minimum levels of PPE; (2) ensure work from home capabilities; and (3) develop disaster emergency response plans. This regulation provides that the Commissioner's directives shall be incremental and geographically tailored and targeted at the Statewide, regional, or community level, as dictated by infection rate data.

It is not expected that any professional services will be required to comply with the proposed regulatory amendments.

Costs:

As a large part of these regulatory amendments would give the State Commissioner of Health authority to temporarily suspend or modify certain regulations within Titles 10 and 18 during a state disaster emergency, these regulatory amendments are not expected to result in any significant costs to public and private entities in rural areas.

To the extent additional requirements are imposed on public and private entities in rural areas by these proposed regulatory amendments, such requirements would only be in effect for the duration of a declared state disaster emergency.

Lastly, per SAPA § 202-bb(3)(c), it is not anticipated that there will be any significant variation in cost for different types of public and private entities in rural areas.

Economic and Technological Feasibility:

There are no economic or technological impediments to the rule changes.

Minimizing Adverse Impact:

Although the proposed regulatory amendments impose additional requirements on regulated parties, including those in rural areas, most of these requirements are only triggered during a declared state disaster emergency. Proposed amendments that would require disaster emergency preparedness planning on the part of regulated parties will complement and build upon existing state and federal planning requirements.

Rural Area Participation:

The Surge and Flex Health Care Coordination System was activated during the COVID-19 State disaster emergency which was first declared on March 7, 2020, and it has been used throughout the COVID-19 pandemic. The public has been permitted to comment at the public meetings during which the Public Health and Health Planning Council has approved this regulation on an emergency basis. A Notice of Proposed Rule Making was published in the State Register on February 16, 2022, with a public comment period that ended on April 18, 2022, and the Department will publish an Assessment of Public Comment before a Final Rule is adopted.

Job Impact Statement

The Department of Health has determined that these regulatory changes will not have a substantial adverse impact on jobs and employment, based upon its nature and purpose.

Assessment of Public Comment

The agency received no public comment.

EMERGENCY RULE MAKING

Hospital and Nursing Home Personal Protective Equipment (PPE) Requirements

I.D. No. HLT-23-22-00001-E

Filing No. 744

Filing Date: 2022-09-20

Effective Date: 2022-09-20

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

Action taken: Amendment of sections 405.11 and 415.19 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 2803

Finding of necessity for emergency rule: Preservation of public health.

Specific reasons underlying the finding of necessity: These regulations are needed on an emergency basis to ensure hospital and nursing home staff, as well as the patients and residents for whom they provide care, are adequately protected during the 2019 Coronavirus (COVID-19) or another

communicable disease outbreak. These regulations are specifically meant to address the lessons learned in New York State from 2020 to 2021 during the COVID-19 pandemic with respect to PPE. As stated in the declaration of the State disaster emergency in Executive Orders No. 11 through 11.9 (November 26, 2021, through September 12, 2022; see 9 NYCRR §§ 9.11 through 9.11.9), New York continues to experience high rates of COVID-19 transmission. A possible resurgence of COVID-19 or another communicable disease outbreak necessitates that hospitals and nursing homes continue to have an adequate supply of PPE.

New York State first identified COVID-19 cases on March 1, 2020 and thereafter became the national epicenter of the outbreak. However, as a result of global PPE shortages, many hospitals and nursing homes in New York State had difficulty obtaining adequate PPE necessary to care for their patients and residents. New York State provided general hospitals, nursing homes, and other medical facilities with PPE from the State's emergency stockpile from the beginning of the COVID-19 outbreak.

These regulations are needed on an emergency basis to ensure that hospitals and nursing homes Statewide do not again find themselves in need of PPE from the State's stockpile should another communicable disease outbreak occur, COVID-19 or otherwise. It is critically important that PPE, including masks, gloves, respirators, face shields and gowns, is readily available and used when needed, as hospital and nursing home staff must don all required PPE to safely provide care for patients and residents with communicable diseases, while ensuring that they themselves do not become infected with a communicable disease.

Based on the foregoing, the Department has made the determination that this emergency regulation is necessary to ensure that all general hospitals and nursing homes maintain a 60-day supply of PPE to ensure that sufficient PPE is available in the event of a resurgence of COVID-19 or another communicable disease outbreak.

Of note, a Notice of Proposed Rule Making was published in the State Register on June 8, 2022, with a public comment period that ended on August 8, 2022. The Department intends these emergency regulations to be in effect only until such time as the Department can fully review the public comments received, determine whether any amendments to the rule are necessary based on such comments, publish an Assessment of Public Comment and adopt a Final Rule, which would make the Proposed Rule permanent.

Subject: Hospital and Nursing Home Personal Protective Equipment (PPE) Requirements.

Purpose: To ensure that all general hospitals and nursing homes maintain a 60-day supply of PPE during the COVID-19 emergency.

Text of emergency rule: Section 405.11 is amended by adding a new subdivision (g) as follows:

(g)(1) *The hospital shall possess and maintain a supply of all necessary items of personal protective equipment (PPE) sufficient to protect health care personnel, consistent with federal Centers for Disease Control and Prevention guidance, for at least 60 days, by August 31, 2021.*

(2) *The 60-day stockpile requirement set forth in paragraph (1) of this subdivision shall be determined by the Department as follows for each type of required PPE:*

(i) *for single gloves, fifteen percent, multiplied by the number of the hospital's staffed beds as determined by the Department, multiplied by 550;*

(ii) *for gowns, fifteen percent, multiplied by the number of the hospital's staffed beds as determined by the Department, multiplied by 41;*

(iii) *for surgical masks, fifteen percent, multiplied by the number of the hospital's staffed beds as determined by the Department, multiplied by 21; and*

(iv) *for N95 respirator masks, fifteen percent, multiplied by the number of the hospital's staffed beds as determined by the Department, multiplied by 9.6.*

(3) *The Commissioner shall have discretion to increase the stockpile requirement set forth in paragraph (1) of this subdivision from 60 days to 90 days where there is a State or local public health emergency declared pursuant to Section 24 or 28 of the Executive Law. Hospitals shall possess and maintain the necessary 90-day stockpile of PPE by the deadline set forth by the Commissioner.*

(4) *In order to maximize the shelf life of stockpiled inventory, providers should follow the appropriate storage conditions as outlined by manufacturers and inventory should be rotated through regular usage and replace what has been used in order to ensure a consistent readiness level, and expired products should be disposed of when their expiration date has passed. Expired products shall not be used to comply with the stockpile requirement set forth in paragraph (1) of this subdivision.*

(5) *Failure to possess and maintain the required supply of PPE may result in the revocation, limitation, or suspension of the hospital's license; provided, however, that no such revocation, limitation, or suspension shall be ordered unless the Department has provided the hospital with a fourteen*

day grace period, solely for a hospital's first violation of this section, to achieve compliance with the requirement set forth herein.

Section 415.19 is amended by adding a new subdivision (f) as follows:

(f)(1) *The nursing home shall possess and maintain a supply of all necessary items of personal protective equipment (PPE) sufficient to protect health care personnel, consistent with federal Centers for Disease Control and Prevention guidance, for at least 60 days, by August 31, 2021.*

(2) *The 60-day stockpile requirement set forth in paragraph (1) of this subdivision shall be determined by the Department as follows for each type of required PPE:*

(i) *for single gloves, the applicable positivity rate, multiplied by the number of certified nursing home beds as indicated on the nursing home's operating certificate, multiplied by 24;*

(ii) *for gowns, the applicable positivity rate, multiplied by the number of certified nursing home beds as indicated on the nursing home's operating certificate, multiplied by 3;*

(iii) *for surgical masks, the applicable positivity rate, multiplied by the number of certified nursing home beds as indicated on the nursing home's operating certificate, multiplied by 1.5; and*

(iv) *for N95 respirator masks, the applicable positivity rate, multiplied by the number of certified nursing home beds as indicated on the nursing home's operating certificate, multiplied by 1.4.*

(v) *For the purposes of this paragraph, the term "applicable positivity rate" shall mean the greater of the following positivity rates:*

(a) *The nursing home's average COVID-19 positivity rate, based on reports made to the Department, during the period April 26, 2020 through May 20, 2020; or*

(b) *The nursing home's average COVID-19 positivity rate, based on reports made to the Department, during the period January 3, 2021 through January 31, 2021; or*

(c) *20.15 percent, representing the highest Regional Economic Development Council average COVID-19 positivity rate, as reported to the Department, during the periods April 26, 2020 through May 20, 2020 and January 3, 2021 through January 31, 2021.*

(3) *In order to maximize the shelf life of stockpiled inventory, providers should follow the appropriate storage conditions as outlined by manufacturers and inventory should be rotated through regular usage and replace what has been used in order to ensure a consistent readiness level, and expired products should be disposed of when their expiration date has passed. Expired products shall not be used to comply with the stockpile requirement set forth in paragraph (1) of this subdivision.*

(4) *Failure to possess and maintain the required supply of PPE may result in the revocation, limitation, or suspension of the nursing home's license; provided, however, that no such revocation, limitation, or suspension shall be ordered unless the Department has provided the nursing home with a fourteen day grace period, solely for a nursing home's first violation of this section, to achieve compliance with the requirement set forth herein.*

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. HLT-23-22-00001-P, Issue of June 8, 2022. The emergency rule will expire November 18, 2022.

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

Regulatory Impact Statement

Statutory Authority:

Section 2803 of the Public Health Law (PHL) authorizes the promulgation of such regulations as may be necessary to implement the purposes and provisions of PHL Article 28, including the establishment of minimum standards governing the operation of health care facilities, including hospitals and nursing homes.

Legislative Objectives:

The legislative objectives of PHL Article 28 include the protection and promotion of the health of the residents of the State by requiring the efficient provision and proper utilization of health services, of the highest quality at a reasonable cost.

Needs and Benefits:

The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions.

On January 30, 2020, the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International

Concern. On a national level, the Secretary of Health and Human Services determined on January 31, 2020 that as a result of confirmed cases of COVID-19 in the United States, a public health emergency existed and had existed since January 27, 2020, nationwide. Thereafter, the situation rapidly evolved throughout the world, with many countries, including the United States, quickly progressing from the identification of travel-associated cases to person-to-person transmission among close contacts of travel-associated cases, and finally to widespread community transmission of COVID-19.

In order for hospital and nursing home staff to safely provide care for COVID-19 positive patients and residents, or patients and residents infected with another communicable disease, while ensuring that they themselves do not become infected with COVID-19 or any other communicable disease, it is critically important that personal protective equipment (PPE), including masks, gloves, respirators, face shields and gowns, is readily available and are used. Therefore, as a result of global PPE shortages at the outset of the State of Emergency, New York State provided general hospitals, nursing homes, and other medical facilities with PPE from the State's emergency stockpile from the beginning of the COVID-19 outbreak. However, hospitals and nursing homes must ensure sufficient PPE stockpiles exist for any future communicable disease outbreaks to ensure each facility is adequately prepared to protect its staff and patients or residents, without needing to rely on the State's emergency stockpile.

Based on the foregoing, the Department has made the determination that this emergency regulation is necessary to ensure that all general hospitals and nursing homes maintain a 60-day supply of PPE to ensure that sufficient PPE is available in the event of a continuation or resurgence of the COVID-19 outbreak or another communicable disease outbreak.

Costs:

Costs to Regulated Parties:

The purpose of this regulation is to require general hospitals and nursing homes to maintain adequate stockpiles of PPE. The initial cost to facilities as they establish stockpiles of PPE will vary depending on the number of staff working at each facility. However, the Department anticipates that hospitals and nursing homes will routinely use stockpiled PPE as part of their routine operations; while facilities must maintain the requisite stockpile at all times in the event of an emergency need, facilities are expected to rotate through their stockpiles routinely to ensure the PPE does not expire and is replaced with new PPE, thereby helping to balance facility expenditures over time. Further, in the event of an emergency need, hospitals and nursing homes are expected to tap into their stockpiles; as such, hospitals and nursing homes will ultimately use equipment which would have been purchased had a stockpile not existed, thereby mitigating overall costs. Moreover, nursing homes are statutorily obligated to maintain or contract to have at least a two-month supply of PPE pursuant to Public Health Law section 2803(12). As such, this regulation imposes no long-term additional costs to regulated parties.

Costs to Local and State Governments:

This regulation will not impact local or State governments unless they operate a general hospital or nursing home, in which case costs will be the same as costs for private entities.

Costs to the Department of Health:

This regulation will not result in any additional operational costs to the Department of Health.

Paperwork:

This regulation imposes no addition paperwork.

Local Government Mandates:

General hospitals and nursing homes operated by local governments will be affected and will be subject to the same requirements as any other general hospital licensed under PHL Article 28.

Duplication:

These regulations do not duplicate any State or federal rules.

Alternatives:

The Department believes that promulgation of this regulation is the most effective means of ensuring that general hospitals and nursing homes have adequate stockpiles of PPE necessary to protect hospital staff from communicable diseases, compared to any alternate course of action.

Federal Standards:

No federal standards apply to stockpiling of such equipment at hospitals.

Compliance Schedule:

The regulations will become effective upon filing with the Department of State. These regulations are expected to be proposed for permanent adoption at a future meeting of the Public Health and Health Planning Council.

Regulatory Flexibility Analysis

Effect of Rule:

This regulation will not impact local governments or small businesses unless they operate a general hospital or a nursing home. Currently there are five general hospitals in New York that employ less than 100 staff and

qualify as small businesses, and there are 79 nursing homes in New York qualify as small businesses given that they employ less than 100 staff.

Compliance Requirements:

These regulations require all general hospitals and nursing homes to purchase and maintain adequate stockpiles of PPE, including but not limited to masks, respirators, face shields and gowns.

Professional Services:

It is not expected that any professional services will be needed to comply with this rule.

Compliance Costs:

The purpose of this regulation is to require general hospitals and nursing homes to maintain adequate stockpiles of PPE. The initial cost to facilities as they establish stockpiles of PPE will vary depending on the number of staff working at each covered facility. However, the Department anticipates that hospitals and nursing homes will routinely use stockpiled PPE as part of their routine operations; while facilities must maintain the requisite stockpile at all times in the event of an emergency need, facilities are expected to rotate through their stockpiles routinely to ensure the PPE does not expire and is replaced with new PPE, thereby helping to balance facility expenditures over time. Further, in the event of an emergency need, hospitals and nursing homes are expected to tap into their stockpiles; as such, hospitals and nursing homes will ultimately use equipment which would have been purchased had a stockpile not existed, thereby mitigating overall costs. Moreover, nursing homes are statutorily obligated to maintain or contract to have at least a two-month supply of PPE pursuant to Public Health Law section 2803(12). As such, this regulation imposes no long-term additional costs to regulated parties.

Economic and Technological Feasibility:

There are no economic or technological impediments to the rule changes.

Minimizing Adverse Impact:

The Department anticipates that any adverse impacts will be minimal, as both hospitals and nursing homes have already mobilized their stockpiling efforts since early 2020, when the spread of the COVID-19 virus was first recognized in New York State, including through two surges of the COVID-19 pandemic. As such, the continuance of these stockpiling requirements is not expected to create any additional adverse impact on hospitals or nursing homes. Moreover, for nursing homes, these PPE regulations are consistent with the existing directive in Public Health Law section 2803(12) to maintain a two-month PPE supply.

Small Business and Local Government Participation:

Small business and local governments were not directly consulted given the urgent need to ensure hospital patients and nursing home residents are adequately protected in the event of a resurgence of COVID-19 or another communicable disease outbreak. However, the Department plans to issue an advisory to hospital CEOs and nursing home administrators alerting them to the anticipated proposed rulemaking on these regulations and opportunity to submit public comments.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

Although this rule applies uniformly throughout the state, including rural areas, for the purposes of this Rural Area Flexibility Analysis (RAFA), "rural area" means areas of the state defined by Exec. Law § 481(7) (SAPA § 102(10)). Per Exec. Law § 481(7), rural areas are defined as "counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, and programs and such other entities or resources found therein. In counties of two hundred thousand or greater population 'rural areas' means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein."

The following 43 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2010:

Allegany County	Greene County	Schoharie County
Cattaraugus County	Hamilton County	Schuyler County
Cayuga County	Herkimer County	Seneca County
Chautauqua County	Jefferson County	St. Lawrence County
Chemung County	Lewis County	Steuben County
Chenango County	Livingston County	Sullivan County
Clinton County	Madison County	Tioga County
Columbia County	Montgomery County	Tompkins County
Cortland County	Ontario County	Ulster County
Delaware County	Orleans County	Warren County
Essex County	Oswego County	Washington County

Franklin County	Otsego County	Wayne County
Fulton County	Putnam County	Wyoming County
Genesee County	Rensselaer County	Yates County
	Schenectady County	

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

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

There are 47 general hospitals located in rural areas as well as several licensed nursing homes.

Reporting, Recordkeeping, and Other Compliance Requirements; and Professional Services:

These regulations require all general hospitals and nursing homes, including those in rural areas, to purchase and maintain adequate stockpiles of PPE, including but not limited to masks, respirators, face shields and gowns.

Costs:

The purpose of this regulation is to require general hospitals and nursing homes to maintain adequate stockpiles of PPE. The initial cost to facilities as they establish stockpiles of PPE will vary depending on the number of staff working at each facility. However, the Department anticipates that hospitals and nursing homes will routinely use stockpiled PPE as part of their routine operations; while facilities must maintain the requisite stockpile at all times in the event of an emergency need, facilities are expected to rotate through their stockpiles routinely to ensure the PPE does not expire and is replaced with new PPE, thereby helping to balance facility expenditures over time. Further, in the event of an emergency need, hospitals and nursing homes are expected to tap into their stockpiles; as such, hospitals and nursing homes will ultimately use equipment which would have been purchased had a stockpile not existed, thereby mitigating overall costs. Moreover, nursing homes are statutorily obligated to maintain or contract to have at least a two-month supply of PPE pursuant to Public Health Law section 2803(12). Therefore, this regulation imposes no long-term additional costs to regulated parties.

Economic and Technological Feasibility:

There are no economic or technological impediments to the rule changes.

Minimizing Adverse Impact:

The Department anticipates that any adverse impacts will be minimal, as both hospitals and nursing homes have already mobilized their stockpiling efforts since early 2020, when the spread of the COVID-19 virus was first recognized in New York State, including through two surges of the COVID-19 pandemic. As such, the continuance of these stockpiling requirements is not expected to create any additional adverse impact on hospitals or nursing homes. Moreover, for nursing homes, these PPE regulations are consistent with the existing directive in Public Health Law section 2803(12) to maintain a two-month PPE supply.

Rural Area Participation:

Parties representing rural areas were not directly consulted given the urgent need to ensure hospital patients and nursing home residents are adequately protected in the event of a resurgence of COVID-19 or another communicable disease outbreak. However, the Department plans to issue an advisory to hospital CEOs and nursing home administrators alerting them to the anticipated proposed rulemaking and opportunity to submit public comments.

Job Impact Statement

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

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Maximum Contaminant Levels (MCLs)

I.D. No. HLT-40-22-00002-P

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

Proposed Action: Amendment of Subpart 5-1 of Title 10 NYCRR.

Statutory authority: Public Health Law, sections 201, 225 and 1112

Subject: Maximum Contaminant Levels (MCLs).

Purpose: To adopt Maximum Contaminant Levels (MCLs) for four (4) additional per- and polyfluoroalkyl substances (PFAS).

Substance of proposed rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/proposed-rule-making>): This notice of proposed rulemaking amends 10 NYCRR Subpart 5-1 to include individual maximum contaminant levels (MCL) of 0.0000100 mg/L or 10 parts per trillion (ppt) for perfluorodecanoic acid (PFDA) perfluoroheptanoic acid (PFHpA), perfluorohexane sulfonic acid (PFHxS) and perfluorononanoic acid (PFNA); includes a combined MCL of 0.0000300 mg/L or 30 ppt for PFDA, PFHpA, PFHxS, PFNA, perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) referred to collectively as perfluoroalkyl substances-6 (PFAS6); and establishes the first list of emerging contaminants (ECs) as well as notification levels for this list of ECs in accordance with Public Health Law § 1112. New sections, subdivisions, paragraphs and tables were added, and additional updates made to ensure clarity with implementation. This regulation applies to all community water systems and all non-transient noncommunity water systems.

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: regsqna@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.

Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/proposed-rule-making>):

Statutory Authority:

Section 201(1)(l) of the PHL establishes the powers and duties of the New York State Department of Health (Department), which include the regulation of the sanitary aspects of public water systems (PWS). Section 225 of the PHL sets forth the powers and duties of the Public Health and Health Planning Council (PHHPC), which include the authority to establish, amend and repeal sanitary regulations to be known as the State Sanitary Code (SSC), subject to the approval of the Commissioner of Health. Section 1112 establishes the authority to require monitoring for emerging contaminants and establish notification levels.

Legislative Objective:

The legislative objective of section 1112 of the PHL is to ensure that the Department promulgates regulations for emerging contaminants and establishes notification levels for those contaminants. This amendment will update the SSC per the recommendations of the Drinking Water Quality Council, by establishing MCLs for four (4) additional perfluoroalkyl substances, modifying reporting requirements, requiring monitoring for emerging contaminants and establishing notification levels.

Needs and Benefits:

Emerging Contaminants Monitoring Requirements (ECMR): Public Health Law Section 1112 (PHL 1112) requires the Department to adopt ECMR. The effective date of the monitoring requirements will be April 1, 2023.

Notification Levels (NL): PHL § 1112 requires that NL be established for twenty-three PFAS designated as emerging contaminants. The first category is a sum of 6 compounds to 0.0000300 mg/L (30 ppt) with a 10 ppt notification level for hexafluoropropylene oxide-dimer acid (HFPO-DA/GenX) and the second category is a sum of 13 compounds to 0.000100 mg/L (100 ppt). Decisions on each PFAS chemical's notification category were made based on an evaluation of liver toxicity effect levels, human half-lives, established reference doses, and chemical structure similarities. The 30 ppt notification levels applies to the sum of six (6) PFAS compounds and the 100 ppt NL applies to the sum 13 PFAS compounds. Confirmed sample results that are at or above either NL will prioritize evaluations of the public water system, allow for exposure reduction recommendations based on those evaluations, and provide advanced communication to the community served by the water system.

Maximum Contaminant Levels (MCL): The Department proposes MCLs of 10 ppt each for perfluorohexanesulfonic acid (PFHxS), perfluorodecanoic acid (PFHpA), perfluorononanoic acid (PFNA), and perfluorodecanoic acid (PFDA). A combined MCL of 30 ppt is proposed for the sum of PFOA, PFOS, PFHxS, PFHpA, PFNA and PFDA (PFAS6). The Department estimates a 1.46 percent increase in MCL violations if MCLs for PFHxS, PFHpA, PFNA, and PFDA are promulgated at 10 ppt each.

Costs:

Compliance Costs:

ECMR: PHL § 1112 applies to both community water systems (CWS) and nontransient noncommunity water systems (NTNC). The cost of analysis is estimated to be between \$350 and \$700 per sample. The cost to the average water system, based on 1.7 entry points per system, is between \$595 and \$1,190.

NL: The Department estimates a notification cost of \$5, including labor, fees and postage, per service connection that needs to be notified. Four (4) water systems are expected to distribute public notification for the first category and 26 water systems are expected to exceed the NL for the second category.

MCL: There are approximately 3,000 PWS that will be required to routinely monitor for PFNA, PFDA, PFHxS and PFHpA. Initial monitoring for PFAS6 compounds must be completed by December 31, 2023. Each PWS will be required to comply with the MCL by January 1, 2025. This proposal modifies the analytical requirements by mandating reporting all compounds in EPA 537.1 or EPA 533. The Department estimates that the cost of the full analytical method will be between \$350 and \$700 per sample. The number of samples required is based on number of sources, and compliance monitoring results. Less sampling is required when no contaminants are detected.

Costs to Private Regulated Parties:

ECMR: The ECMR apply to CWS and NTNC water systems, including private water systems. It is estimated that a significant percentage of the approximately 2,200 PWS that serve less than 1,000 people are privately owned. The total estimated cost to these PWS is \$1,309,000 and \$2,618,000. There are approximately 550 PWS that serve fewer than 25 people or five service connections that will be required to comply. The total cost to these water systems is anticipated to be \$327,250-\$654,500. These exact costs are dependent on variables such as the number of sources and/or entry points, the source water type the level of contaminants detected and are therefore difficult to estimate. The costs are dependent the number of sources and/or entry points, the source water type and the level of contaminants detected.

NL: The cost of notices is estimated to be \$5 per connection.

MCL: Monitoring and treatment costs for each privately-owned PWS is dependent upon the system size, the number of affected entry points/sources and the concentration of each contaminant. The cost for a single sample for emerging contaminants is between \$350-\$700 per sample using either USEPA/USEPA method 533 or 537.1, including field reagent blank costs. Compliance monitoring for PFNA, PFHxS, PFDA and PFHpS can be conducted using either USEPA method 533 or 537.1.

Privately-owned water systems with MCL violations will be required to take actions to come into compliance, which may require the installation of treatment. The U.S. Environmental Protection Agency (USEPA) has developed a cost estimating tool for different PFAS treatment options. Total annualized costs using this costing tool include capital costs for the purchase of treatment system components (amortized over an approximately 20-year period) and annual operation and maintenance costs. The cost estimating tool approximates that total annualized costs for systems serving 501 to 3,330 persons could range from \$87,700 to \$134,000, systems serving 3,301 to 10,000 persons could range from \$335,000 to \$489,500, systems serving 10,001 to 50,000 persons could range from \$1,016,000 to \$1,476,900, systems serving 50,001 to 100,000 persons could range from \$2,281,900 to \$3,316,800, and systems serving more than 100,000 persons could range from \$7,255,600 to \$10,640,000 based on 2020 dollars and the use of granular activated carbon (GAC) treatment. The approximate total annualized cost for GAC treatment for these very small systems could range from \$19,800 to \$33,300, and the approximate costs for providing point-of-use units could range from \$1,700 to \$33,800.

Cost to State Government:

ECMR: Approximately 250 state operated facilities will be required to comply. The cost of monitoring is anticipated to be between \$350 and \$750 per entry point. The cost per average water system, based on 1.7 entry points per system is between \$595 and \$1,190 per water system for a total financial impact to the State of between \$148,750 and \$295,500.

The Department will incur costs to implement the ECMR. The cost to the Department will range from \$682,000 for salary, fringe and information technology for regulatory implementation and enforcement only. The estimated cost is \$9,000,000 for a program that includes monitoring assistance for small and disadvantaged communities that serve fewer than 3,300 people.

NL: The Department estimates that the cost per notice will be \$5 per connection.

MCL: State agencies that operate a PWS will be required to comply with the proposed amendments. There are approximately 250 State-owned or operated facilities.

Costs will include monitoring and treatment in the event of a MCL exceedance. These potential costs will be the same as the costs to private regulated parties.

The proposed regulation will also create administrative costs to the Department as well as costs to the NYS Department of Environmental Conservation (NYSDEC).

Cost to Local Government:

The regulations will apply to local governments which own or operate a PWS.

ECMR: There are approximately 1,500 PWS that are owned or operated by local governments. The cost per average water system, based on 1.7 entry points per system is between \$595 and \$1,190 per water system. As a result, the total cost to local government for monitoring is expected to be between \$892,500 and \$1,785,000. Water systems with more entry points will have a proportionally higher cost.

NL: There are approximately 1,500 PWS that are owned or operated by local governments. It is expected that 13 notifications will be required. The Department estimates a cost of \$5 per connection.

MCL: The regulations will apply to local governments. There are approximately 1,500 PWS that are owned or operated by local governments. Costs will include monitoring for PFHxS, PFHpA, PFNA, PFDA and/or PFAS6, and treatment in the event of a MCL violation.

Local health departments that regulate drinking water will also incur administrative costs related to local implementation and oversight.

Local Government Mandates:

Local governments will be required to comply with this regulation as noted above.

Paperwork:

ECMR and NL: The ECMR and NL are new monitoring and regulatory programs with associated paperwork, tracking and enforcement.

MCL: The additional monitoring, reporting, recordkeeping and paperwork needed for PFAS6 is expected to be minimal. The reporting and recordkeeping requirements will increase if MCLs are exceeded and/or treatment is required.

Duplication:

The ECMR is duplicative with the federal Unregulated Contaminant Monitoring Rule (UCMR) for each PWS that serves 3,300 or more people. For NL and MCL, there will be no duplication.

Alternatives:

Three alternatives to MCLs were considered: 1. maintain the existing MCL of 0.05 mg/L that applies to all organic chemicals when no chemical specific MCL exists for PFNA, PFHxS, PFHpA and PFDA; 2. wait for the US USEPA to issue a federal MCL; or 3. promulgate an MCL for PFNA, PFHxS, PFHpA and PFDA at 10 ppt each. Based on deliberations of the DWQC and the additional toxicological analysis conducted by the Department it was determined that the current MCL of 0.05 mg/L is not protective of public health for these four specific chemicals. Waiting for the USEPA to set a new MCL was impractical due to the prevalence and concerns surrounding these compounds combined with the timeframes required under the Safe Drinking Water Act.

The 10 ppt standard, while health protective, will allow for a total concentration of upwards of 60 ppt, which is not sufficiently health protective. Therefore, the Department determined that adoption of the MCLs as recommended by DWQC for PFNA, PFHxS, PFHpA and PFDA, as well as establishing PFAS6 MCL is in the best interest of protecting the public health.

Federal Standards:

The ECMR proposal is similar to UCMR5 but expands the scope by extending applicability to PWS that serve fewer than 3,300 persons. There are no federal standards for NL and MCL.

Compliance Schedule:

Each PWS will begin monitoring for emerging contaminants beginning April 1, 2023. A PWS may monitor in accordance with the schedule established by USEPA for UCMR5. The effective date for NLs is April 1, 2023. Public notification is required for a PWS that detects or has detected emerging contaminants at or above the NL. For MCL, all water systems must begin monitoring for PFAS6 and report all compounds in the analytical method beginning April 1, 2023. If the MCL is exceeded or compounds are detected at or above a NL, public notification is required. Compliance with the MCL is required by January 1, 2025.

Regulatory Flexibility Analysis

Effect of Rule:

Many of the public water systems (PWS) affected by the proposal are owned or operated by small businesses or local government. The Department does not maintain information on the number of the PWS owned by

small businesses. There are approximately 1,500 PWS owned by local governments.

Emerging Contaminants Monitoring Requirements (ECMR): Small businesses will be affected. The cost of analysis is estimated to be between \$350 and \$700 per sample. The cost per average PWS, based on 1.7 entry points per system is between \$595 and \$1,190 per water system. The cost to local governments will be between \$892,500 and \$1,785,000. Costs will likely be absorbed by rate payers, tenants and business owners.

Notification Levels (NL): The Department estimates a notification cost of \$5 per service connection including labor, fees and postage. Costs will likely be absorbed by rate payers, tenants and business owners.

Maximum Contaminant Levels (MCL): Each PWS owned and operated by small businesses or local governments must comply with the MCLs and will incur the same impacts as other PWS. Costs will likely be absorbed by rate payers, tenants and business owners.

Reporting and Recordkeeping and Other Compliance Requirements:

Emerging Contaminants Monitoring Requirements and Notification Levels: The ECMR creates a new regulatory program with paperwork, tracking and enforcement. A PWS owned and operated by small businesses or local governments will incur the same costs as other PWS.

Maximum Contaminant Levels: The additional paperwork needed is expected to be minimal because a PWS is required to keep such records for existing MCLs. The paperwork requirements will increase if MCLs are exceeded and/or treatment is required. A PWS owned and operated by small businesses or local governments will incur the same costs as other PWS.

Professional Services:

Emerging Contaminants Monitoring Requirements and Maximum Contaminant Levels: Each PWS will require the services of a laboratory to analyze samples for emerging contaminants. The laboratory must be approved for USEPA Method 533 by the Department under its Environmental Laboratory Approval Program (ELAP). Sufficient laboratory capability and capacity is anticipated to be available. If an MCL is exceeded, a professional will be required to design changes to the PWS to meet the MCL. A PWS owned and operated by small businesses or local governments will incur the same costs as other PWS.

Notification Levels: No professional services are required.

Compliance Costs:

Emerging Contaminants Monitoring Requirements: PHL 1112, and thus the ECMR, applies to CWS and NTNC. The ECMR applies to approximately 3,550 PWS that may be either privately owned or publicly owned. The cost of the ECMR includes the cost of laboratory analysis for each PWS as well as the cost to the Department for administering the ECMR program. Local governments own or operate approximately 1,500 PWS. The remaining 2,050 are expected to be privately owned and could include small businesses. The Department does not track how many PWS are owned by small businesses.

The ECMR will be modeled after the Environmental Protection Agency's (USEPA) fifth Unregulated Contaminant Monitoring Rule, 40 CFR 141.40 (UCMR5), to allow samples collected under UCMR5 to be used to satisfy the requirements of the ECMR. It is estimated that approximately 3,550 PWS will be required to monitor. All PWS must use USEPA Method 533 to comply with this requirement. The cost of analysis for this method may vary based on the laboratory selected, and whether a field reagent blank is analyzed in accordance with the approved method. It is estimated to cost between \$350 and \$700 per sample. The cost per average water system, based on 1.7 entry points per system is between \$595 and \$1,190 per PWS; total costs will be proportional to the number of entry points.

The UCMR5 requires each PWS serving more than 10,000 people to monitor at their own expense. For PWS serving between 3,300 and 10,000 people, statutory amendments required that USEPA collect monitoring data from all systems serving more than 3,300 people "subject to the availability of appropriations". Similarly, USEPA is required under the Safe Drinking Water Act (SDWA) § 1445(a)(2)(C)(ii) to pay the "reasonable cost of such testing and laboratory analysis" for all applicable PWS serving 25 to 10,000 people. This means that if appropriations are made, the USEPA will pay the cost of analysis for each PWS that serves between 3,300 and 10,000 people.

The effective date of this ECMR program has been established to align with the UCMR5 to minimize by allowing a PWS to use the same samples under both programs. For the ECMR, samples must be collected by a laboratory certified by ELAP. Not all laboratories certified under UCMR5 are ELAP certified. PWS serving 3,300 people or fewer generally do not participate in UCMR5 and will be required to pay for their own monitoring under the ECMR.

The cost of continued compliance will depend on the concentration of compounds detected during initial monitoring and whether any MCLs are exceeded.

Notification Levels: PHL § 1112, applies to CWS or NTNC or 3,550

PWS. There are 3,549 PWS that will be required to monitor for emerging contaminants and provide public notification when levels are confirmed to be at or above the notification level.

The Department estimates that 0.12% or four PWS that monitor for emerging contaminants will have results that are equal to or exceed the category 1 notification level of 30 ppt and 2.5% or 87 PWS will have results that are equal to or exceed the notification level of 100 ppt. These PWS may be operated by small business or local government. The Department estimates a notification cost of \$5 per service connection. The cost per water system will vary significantly depending on the size of the water system and the method of notification selected.

Maximum Contaminant Levels: The costs include monitoring and notification costs for CWS and NTNC; routine compliance monitoring for PFAS6, and treatment costs for each PWS that exceeds the MCLs. There are approximately 1,500 PWS owned by local government.

Monitoring and treatment costs is dependent upon the system size, the number of affected entry points/sources and the concentration of each contaminant. The cost for a single sample is between \$350-\$700 per sample using USEPA method 537.1 or 533, including the cost of field reagent blank.

It is estimated that 14% of PWS would exceed the PFAS6 MCL of 30 ppt; however, many of these PWS already exceed the MCL for PFOA and/or PFOS or have an enforcement deferral for these compounds and are working towards or have achieved corrective action that is expected to also address these compounds. It is expected that an additional 1.56% will exceed the MCL of 30 ppt for PFAS6. It is expected that approximately 2.14% of PWS will either exceed the proposed MCL of 10 ppt for PFHxS, PFHpA, PFNA and PFDA or the PFAS6 MCL. These PWS may be owned by either a small business or local government. The Department does not track how many PWS are owned or operated by small business.

The USEPA has developed a cost estimating tool for different PFAS treatment options. Depending on the treatment option selected and the size of the system, USEPA's tool provides estimated annualized costs per system size as shown in Table 1.

Table 1 – Estimate Annualized Costs for Treatment

Total Annualized Costs (Direct, indirect and add-on capital plus annual operation and maintenance)		Population Served ≤ 500	Population Served 501 to 3,300	Population Served 3,301 to 10,000	Population Served 10,001 to 50,000	Population Served 50,001 to 100,000	Population Served 100,001 to 500,000
Treatment Costs: Granular Activated Carbon	Mid-point Estimate	\$25,000	\$110,900	\$412,200	\$1,246,400	\$2,799,400	\$8,947,800
	Range	\$19,800 to \$30,300	\$87,700 to \$134,000	\$335,000 to \$489,500	\$1,016,000 to \$1,476,900	\$2,281,900 to \$3,316,800	\$7,255,600 to \$10,640,000
Treatment Costs: Ion Exchange	Mid-point Estimate	\$19,500	\$74,000	\$262,400	\$869,700	\$2,036,400	\$7,339,100
	Range	\$15,000 to \$24,000	\$59,100 to \$88,900	\$212,400 to \$312,300	\$692,700 to \$1,046,600	\$1,623,400 to \$2,449,300	\$5,777,400 to \$8,900,800
Treatment Costs: Point of Use Reverse Osmosis	Mid-point Estimate	\$17,800	\$128,500	\$449,600	Not applicable	Not applicable	Not applicable
	Range	\$1,700 to \$33,800	\$33,800 to \$223,100	\$223,100 to \$676,000			

These estimated costs are based on 2020 dollars and incorporate a 3% discounting rate over approximately 20 years. Given recent supply-chain challenges and inflationary pressures, actual annualized estimates could be higher than the ranges presented by USEPA.

Each PWS will likely make rate adjustments to accommodate these additional capital and operational costs. Municipally owned PWSs may qualify for federal or state loans or grants to offset some of the capital investment costs. Most privately owned PWS do not qualify for grant but may receive loans. Municipally owned PWS may need to comply with cross-cutters such as Davis-Bacon Act of 1931/NY Prevailing Wage Rates, American Iron and Steel and/or Buy American Build American Requirements and federal equivalency requirements for environmental assessment when receiving federal assistance, such as funding from the Drinking Water State Revolving Fund (DWSRF). Small businesses that do not pursue DWSRF funding may not need to comply with these cross cutters.

Economic and Technological Feasibility:

Emerging Contaminants Monitoring Requirements and Notification Levels: The proposed requirements are economically and technologically feasible for small businesses and local governments. Analytical methods exist for accurate sample analysis to detect the list of emerging contaminants.

Maximum Contaminant Levels: There are technologically feasible treatment solutions for all PFAS6 contaminants. Many small and rural PWS are currently pursuing treatment for PFOA and PFOS. The treatment technologies for PFAS6 are the same as PFOA and PFOS. Treatment may present a

greater challenge to smaller systems that typically have less resources including financial and technical expertise than larger systems.

Minimizing Adverse Impact:

Emerging Contaminants Monitoring Requirements: The Department is minimizing adverse impact by aligning monitoring requirements with the UCMR. This reduces the amount of duplicative sampling. The Department has the authority to provide monitoring assistance to a PWS, and directly implement the program should funding for both analysis and staffing become available. This option would decrease the financial burden of sampling on small businesses such as mobile home parks or daycares.

Notification Levels: Adverse impacts are expected to be minimal.

Maximum Contaminant Levels: The Department has included several provisions that minimize the impacts on regulated parties. Previous testing conducted using an ELAP approved method and laboratory may satisfy some or all of the initial monitoring requirements; and sampling frequency will decrease after the first year if the contaminants are not detected at a PWS.

New York State offers programs to support PWS with infrastructure investments including but not limited to treatment and development/ connection to alternate sources of water. Programs include the DWSRF which provides market rate, low to no interest loans and grants available to many municipally and some privately-owned PWS based on need and financial hardship. In addition, the New York State Clean Water Infrastructure Act of 2017 invests \$2.5 billion in clean and drinking water infrastructure projects and water quality protection across the State. The New York State Water Infrastructure Improvement Act (WIIA) provides competitive grants to help municipalities fund water quality infrastructure projects. The Infrastructure Investment and Jobs Act (IIJA) passed by Congress and signed by President Biden in 2021 includes funding specifically targeted towards emerging contaminants with a focus on per- and polyfluoroalkyl substances.

Small Business and Local Government Participation:

Small business and local governments were not specifically consulted on this proposal. The Department will send the notice of proposed rulemaking to American Water Works Association, the New York Rural Water Association and the Association of Towns and Conference of Mayors. Emerging contaminant monitoring and notification levels are requirements of PHL § 1112. The NL categories and MCLs set forth in this proposed rule were recommendations from the Drinking Water Quality Council (DWQC) which met numerous times in a public forum and were also recorded and publicly available. During each DWQC meeting, members of the public were allowed to comment, and comments were provided to the Department outside of the meetings. Based on the information available it is not possible to determine the number of small businesses that participated during the meetings or provided comments. All comments provided by the public were made available to the DWQC for their consideration.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

These regulations apply to rural areas of the state, where approximately 6,400 small public water supplies (PWS) are located.

Emerging Contaminants Monitoring Requirements (ECMR): There are more PWS in rural areas than urban areas, and those PWS are typically smaller. This regulation applies to community water systems (CWS) which serve at least five service connections used by year-round residents or regularly serve at least 25 year-round residents as well as nontransient noncommunity water systems (NTNC) that regularly serve at least 25 of the same people, four hours or more per day, for four or more days per week, for 26 or more weeks per year. There are approximately 2,200 CWS and NTNC water systems that serve less than 1,000 persons and approximately 335 PWS that serve between 1,000 and 3,300 persons. Most of those water systems are in rural areas. Costs can be mitigated if the Department directly implements the program and provides monitoring assistance to small water supplies.

Notification Levels (NL): It is expected that NLs will impact rural areas in the same manner as the rest of the State.

Maximum Contaminant Levels (MCL): The cost of monitoring may impact rural areas of the State more than urban and suburban areas of the state since rural areas were less likely to detect PFOA and PFOS during 2020 and 2021. These water systems may have expected to be able to reduce monitoring to once every three years for only PFOA and PFOS. These regulations require sampling for the full analytical method and will require monitoring for up to four additional quarters depending on source water type.

Reporting, Recordkeeping and Other Compliance Requirements:

The obligations imposed on rural area PWS are the same as for all owners or operators of PWS.

Professional Services:

ECMR: Each PWS impacted by the amended regulations will require the Environmental Laboratory Approval Program (ELAP) approved services in accord with USEPA method 533 to analyze samples for emerging

contaminants. Sufficient laboratory capability and capacity is anticipated to be available. If an MCL is exceeded, a licensed professional will be required to design changes to the PWS to meet the MCL. A PWS in a rural area will incur the same costs as other PWS.

NL: Most rural area PWS will not need professional services to conduct public notification when a water system confirms the presence of emerging contaminants at or above the notification level.

MCL: If an MCL is exceeded, a licensed professional will be required to design changes to the PWS to meet the MCL.

Costs:

ECMR: Pursuant to PHL § 1112 the ECMR applies to each PWS that serves at least five service connections used by year-round residents or regularly serves at least 25 year-round residents, defined in the SSC as a community water system (CWS); or a PWS that regularly serves at least 25 of the same people, four hours or more per day, for four or more days per week, for 26 or more weeks per year, defined in the SSC as a nontransient noncommunity water system (NTNC). The ECMR applies to approximately 3,550 PWS, many of which are located in rural areas. The cost of the ECMR includes the cost of laboratory analysis for each PWS as well as the cost to the Department for administering the ECMR program.

The ECMR will be modeled after the US Environmental Protection Agency's (USEPA) fifth Unregulated Contaminant Monitoring Rule, 40 CFR 141.40 (UCMR5), to allow samples collected under UCMR5 to be used to satisfy the requirements of the ECMR. Consistent with UCMR5, ECMR will require that one sample set be collected per entry point. It is estimated that approximately 3,550 PWS will be required to monitor at 5,247 locations. All PWS must use USEPA Method 533 to comply with this requirement. All PWS must use USEPA Method 533: Determination of Per- and Polyfluoroalkyl Substances in Drinking Water by Isotope Dilution Anion Exchange Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry to comply with this requirement. The cost of analysis for this method may vary based on the laboratory selected, and whether a field reagent blank is analyzed in accordance with the approved method. It is estimated to cost between \$350 and \$700 per sample. Estimated sampling costs are based on estimates prepared by USEPA and surveys of laboratories certified by the ELAP. This estimate does not include the cost of labor to collect and transport the sample. The expected cost per average water system, based on 1.7 entry points per system is between \$595 and \$1,190; total costs will be proportional to the number of entry points. Table 1 provides a range of sampling costs based on the estimated number of samples that will be required.

Table 1: Impacts on the regulated community – Emerging Contaminants Monitoring Requirements

System Type	Number of water systems	Estimated number of samples	Low cost per sample (\$350)	High cost per sample (\$700)
Community Water Systems	2,837	4,797	1,678,950	3,357,900
Nontransient non-community	713	1,084	379,400	758,800
Total			\$2,058,350	\$4,116,700

The UCMR5 requires each PWS serving more than 10,000 people to monitor at their own expense. For PWS serving between 3,300 and 10,000 people, amendments to the American Water Infrastructure Act (AWIA) Section 2021(a) required that USEPA collect monitoring data from all systems serving more than 3,300 people "subject to the availability of appropriations". For PWS serving between 3,300 and 10,000 people, amendments to the American Water Infrastructure Act (AWIA) Section 2021(a) required that USEPA collect monitoring data from all systems serving more than 3,300 people "subject to the availability of appropriations." Similarly, USEPA is required under the Safe Drinking Water Act (SDWA) Section 1445(a)(2)(C)(ii) to pay the "reasonable cost of such testing and laboratory analysis" for all applicable PWS serving 25 to 10,000 people. This means that if appropriations are made, the USEPA will pay the cost of analysis for each PWS that serves between 3,300 and 10,000 people as well as a small national subset of PWS serving 25 to 3,300 people.

The ECMR program effective date aligns with the UCMR5 to ensure that costs are minimized by allowing a PWS to use the same samples under both programs. For the ECMR, samples must be collected by a laboratory certified by the Department's Environmental Laboratory Approval Program (ELAP). Not all laboratories certified under UCMR5 are ELAP-certified. There are no similar programs available currently for each PWS that serves 3,300 people or fewer. These water systems generally do not

participate in UCMR5 and will be required to pay for their own monitoring under the ECMR. Many of the PWS that serve 3,300 people or fewer are in rural areas, and most PWS that serve less than 1,000 people are in rural areas.

The cost of continued compliance will depend on many factors, including the concentration of compounds detected during initial monitoring and whether any MCLs are exceeded. The cost per sample is expected to be the same for continued compliance as it is for initial monitoring.

NL: The Department estimates that 0.12% of PWS that monitor for emerging contaminants will have monitoring results that are equal to or exceed the category 1 notification level of 30 ppt and 2.5% will have monitoring results that are equal to or exceed the notification level of 100 ppt. The Department estimates an average cost of \$5 per service connection to send out proper notifications, which includes labor, fees and postage; however, larger systems may pay a much lower per unit cost for notification. Similarly, a water system that can hand deliver notices may pay a lower per unit cost. The cost per water system will vary significantly depending on the size of the water system and the method of notification selected. Table 9 demonstrates the expected number of PWS that will exceed both the category 1 and category 2 notification levels.

MCL: The costs to PWS in rural areas include monitoring and notification costs for CWS and NTNC; routine compliance monitoring for PFAS6, and treatment costs for each PWS that exceeds the MCLs.

Monitoring and treatment costs for each rural PWS is dependent upon the system size, number of affected entry points/sources and the concentration of each contaminant. The cost for a single sample for emerging contaminants is between \$350-\$700 per sample using USEPA method 537.1 or 533, including the cost of field reagent blank. The cost of a single sample for emerging contaminants is between \$350-\$700 using USEPA method 537.1 or 533, including the cost of field reagent blank.

It is estimated that 14% of water systems would exceed the PFAS6 MCL of 30 ppt; however, many of these PWS already exceed the MCL for PFOA and/or PFOS or have an enforcement deferral for these compounds and are working towards or have achieved corrective action that is expected to also address these compounds. It is expected that an additional 1.56% of PWS will exceed the MCL of 30 ppt for PFAS6. It is expected that approximately 2.14% of PWS will either exceed the proposed MCL of 10 ppt for PFHxS, PFHpA, PFNA and PFDA or the PFAS6 MCL.

The USEPA has developed a Work Breakdown Structure (WBS) cost estimating tool for different PFAS treatment options. Depending on the treatment option selected and the size of the system, USEPA's WBS tool provides estimated annualized costs per system size as shown in Table 2.

Table 2 – Estimate Annualized Costs for Treatment

Total Annualized Costs (Direct, indirect and add-on capital plus annual operation and maintenance)		Population Served ≤ 500	Population Served 501 to 3,300	Population Served 3,301 to 10,000	Population Served 10,001 to 50,000	Population Served 50,001 to 100,000	Population Served 100,001 to 500,000
Treatment Costs: Granular Activated Carbon	Mid-point Estimate Range	\$25,000 to \$30,300	\$110,900 to \$134,000	\$412,200 to \$489,500	\$1,246,400 to \$1,476,900	\$2,799,400 to \$3,316,800	\$8,947,800 to \$10,640,000
Treatment Costs: Ion Exchange	Mid-point Estimate Range	\$19,500 to \$24,000	\$74,000 to \$88,900	\$262,400 to \$312,300	\$869,700 to \$1,046,600	\$2,036,400 to \$2,449,300	\$7,339,100 to \$8,900,800
Treatment Costs: Point of Use Reverse Osmosis	Mid-point Estimate Range	\$17,800 to \$33,800	\$128,500 to \$223,100	\$449,600 to \$676,000	Not applicable	Not applicable	Not applicable

These estimated costs are based on 2020 dollars and incorporate a 3% discounting rate over approximately 20 years. Given recent supply-chain challenges and higher inflationary pressures, actual annualized estimates could be higher than the ranges presented by USEPA.

Each PWS will likely make rate or rent adjustments to accommodate these additional capital and operational costs. Municipally owned PWSs may qualify for federal or state loans or grants to offset some of the capital investment for treatment system components or upgrades. Most privately owned water systems do not qualify for grant but are able to take advantage of loans.

Economic and Technological Feasibility:

ECMR: The ECMR is economically and technologically feasible for rural area PWS. Analytical methods exist for accurate sample analysis to detect emerging contaminants.

NL: The NLs are economically and technologically feasible for rural area PWS. The cost of notices is estimated to be \$5 per service connection. This should be feasible for any water system that detects emerging contaminants at or above the notification level.

MCL: Many small and rural water systems are currently pursuing treatment for PFOA and PFOS using treatment technologies that can also abate PFAS6. Treatment may present a greater challenge to smaller systems that typically have less resources than larger systems.

Rural Area Participation:

The Department made presentations outlining the requirements of Public Health Law to rural operators at the New York Rural Water Association conference on May 24, 2022; the Southeastern NY Water Works Conference on June 9, 2022 and the American Water Works Association New York Conference on April 13, 2022. The proposal was discussed during the Drinking Water Quality Council meeting on May 2, 2022. This meeting was open to the public, was broadcast live on the internet, and is available on the Department's website.

Job Impact Statement

Nature of Impact:

The Department expects there to be a positive impact on jobs and employment opportunities. A subset of public water system (PWS) owners will hire engineering/architectural firms or individuals to assist with regulatory compliance. Each PWS impacted by this amendment will require the professional services of a certified or approved laboratory to perform the analyses for PFAS6 and emerging contaminants, which may create a need for additional laboratory capability and capacity. A PWS that confirms levels of emerging contaminants at or above the notification level may need copy or printing services. Additionally, a subset of owners will require the services of a licensed professional engineer to design facilities to meet the MCLs through treatment, or to access an alternate source.

Categories and Numbers Affected:

The Department anticipates no negative impact on jobs or employment opportunities as a result of the proposed regulations.

Regions of Adverse Impact:

The Department anticipates no negative impact on jobs or employment opportunities as a result of the proposed regulations.

Minimizing Adverse Impact:

Not applicable.

Commission's operation procedures due to advances in technology as well as amend the use of gendered pronouns.

Needs and Benefits: The proposal seeks to clarify ambiguities and better reflect actual Commission procedures.

Costs: None.

Local Government Mandates: None.

Paperwork: None.

Duplication: None.

Alternatives: None.

Federal Standards: None.

Compliance Schedule: None.

Regulatory Flexibility Analysis

Effect of rule: These are internal agency operating rules concerning disciplinary proceedings against judges. No small businesses or local governments are affected.

Compliance requirements: None.

Professional services: None.

Compliance costs: None.

Economic and technological feasibility: Not applicable.

Minimizing adverse impact: There is no economic impact on small businesses or local governments.

Small business and local government participation: This internal agency operating rule concerning disciplinary proceedings against judges do not involve small businesses or local governments.

For rules that either establish or modify a violation or penalties associated with a violation: Not applicable.

Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462: Not applicable.

Rural Area Flexibility Analysis

This proposal will not impose any adverse economic impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. This proposal contains internal agency operating rules concerning disciplinary proceedings against judges of the state unified court system. The agency analyzed the plain language of the proposed rules and concluded that the subject matter – i.e. the internal operations of the Commission – is not addressed to rural areas and, in any event, contains no reporting or recordkeeping requirements.

Job Impact Statement

This proposal will not impose any adverse impact on jobs and employment opportunities. This proposal contains internal agency operating rules concerning disciplinary proceedings against judges of the state unified court system. It does not add or eliminate any jobs, nor does it impose or modify any responsibilities associated with existing jobs. The agency analyzed the plain language of the proposed rule and concluded that the subject matter – i.e. the internal operations of the Commission – does not address, create or impact upon any jobs.

State Commission on Judicial Conduct

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Update of Definitions, Pronouns, Clarification of Rules Involving the Work of the Commission; Commission Hearings

I.D. No. JDC-40-22-00008-P

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

Proposed Action: Repeal of section 7000.5; amendment of Parts 7000 and 7001 of Title 22 NYCRR.

Statutory authority: Judiciary Law, section 42(5)

Subject: Update of Definitions, pronouns, clarification of rules involving the work of the Commission; Commission hearings.

Purpose: To update Commission rules to reflect advances in technology and the use of non-gendered pronouns.

Substance of proposed rule (Full text is posted at the following State website: <https://cjc.ny.gov/Miscellany/2022RuleChange.html>): The New York State Commission on Judicial Conduct intends to update its rules to reflect changes in procedures due to advances in technology (i.e., videoconferencing, email, electronic documents, etc.). The proposed rules also replace gendered pronouns when referring to a judge and make other minor stylistic changes.

Text of proposed rule and any required statements and analyses may be obtained from: Marisa Harrison, Commission on Judicial Conduct, Corning Tower, Suite 2301, Empire State Plaza, Albany, New York 12223, (518) 453-4600, email: rulemaking@cjc.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: Judiciary Law, section 42(5).

Legislative Objectives: The proposed changes would reflect updates to

Office for People with Developmental Disabilities

EMERGENCY RULE MAKING

Training Flexibilities

I.D. No. PDD-10-22-00010-E

Filing No. 741

Filing Date: 2022-09-15

Effective Date: 2022-09-15

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

Action taken: Addition of section 633.27 to Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b) and 16.00

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

Specific reasons underlying the finding of necessity: The emergency addition of section 14 NYCRR 633.27 that authorizes the Commissioner to permit abbreviated trainings and extend recertification deadlines for direct support professionals during periods of extreme staffing shortages for

Article 16 facilities, is necessary to protect the health, safety, and welfare of individuals who receive these services. This regulation must be issued by emergency regulation to allow OPWDD the ability to increase staff available to properly take care of service recipients. OPWDD serves a vulnerable population and as such has a duty to ensure the services provided meet public health and safety standards which includes safe and appropriate staffing.

Subject: Training Flexibilities.

Purpose: To provide flexibilities in training requirements.

Text of emergency rule: A new section 633.27 is added to read as follows:

633.27 Training Flexibilities

Notwithstanding the requirements set forth in sections 633.8, 633.14, 633.16 and 633.17 of this Part, during periods of extreme staffing shortages, as determined by the commissioner, the commissioner may permit abbreviated training and/or approve the extension of recertification deadlines, as applicable, for direct support professionals employed in programs and facilities certified pursuant to article 16 of the Mental Hygiene Law.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. PDD-10-22-00010-EP, Issue of March 9, 2022. The emergency rule will expire November 13, 2022.

Text of rule and any required statements and analyses may be obtained from: Mary Beth Babcock, Office for People With Developmental Disabilities, 44 Holland Ave, Albany, NY 12209, (518) 474-7700, email: rau.unit@opwdd.ny.gov

Additional matter required by statute: Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described herein will have no effect on the environment and an E.I.S. is not needed

Regulatory Impact Statement

1. Statutory authority:

a. The Office for People With Developmental Disabilities (OPWDD) has the statutory responsibility to provide and encourage the provision of appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of persons with intellectual and developmental disabilities, as stated in the New York State (NYS) Mental Hygiene Law (MHL) Section 13.07.

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

c. OPWDD has the statutory authority to adopt regulations concerned with the operation of programs and the provision of services, as stated in the NYS MHL Section 16.00. The regulation also ensures compliance by OPWDD certified and operated residences with the proper provision of services.

d. OPWDD has the statutory authority to provide for the oversight of facilities and providers of services holding operating certificates, as stated in the NYS MHL Section 16.11.

2. Legislative objectives: The proposed regulations further legislative objectives embodied in MHL sections 13.07, 13.09(b), and 16.00. The proposed regulation adds Title 14 NYCRR Section 633.27 to authorize the Commissioner to permit abbreviated trainings and extend recertification deadlines for direct support professionals during periods of extreme staffing shortages as determined by the Commissioner.

3. Needs and benefits: The proposed regulation adds Title 14 NYCRR Section 633.27 to authorize the Commissioner to permit abbreviated trainings and extend recertification deadlines for direct support professionals during periods of extreme staffing shortages. This regulation is necessary to protect the health, safety, and welfare of individuals who receive services from providers that are certified or operated by OPWDD. This regulation is being proposed due to the increasing need of services as well as staffing shortages during the ongoing COVID-19 epidemic. OPWDD serves a vulnerable population and as such has a duty to ensure the services provided meet public health and safety standards. Given the rise in covid cases throughout the pandemic OPWDD has had challenges meeting minimum staffing requirements for the many locations certified or operated across the state. By allowing more individuals to work in these Article 16 facilities, individuals being provided services will not have interruptions in their services.

4. Costs:

a. Costs to the agency and to the State and its local governments: There is no anticipated impact on Medicaid expenditures as a result of the proposed regulations, as the entities that provide these services will only be providing such services to individual's already receiving Medicaid, in accordance with existing OPWDD policies and processes.

These regulations will not have any fiscal impact on local governments,

as the contribution of local governments to Medicaid has been capped. Chapter 58 of the Laws of 2005 places a cap on the local share of Medicaid costs and local governments are already paying for Medicaid at the capped level.

There are no anticipated costs to OPWDD in its role as a provider of services to comply with the new requirements.

b. Costs to private regulated parties: There will not be any anticipated costs to regulated providers to comply with the proposed regulations. The regulation authorizes the Commissioner to facilitate more staff when there are periods of extreme staffing shortages. Therefore, there are no new anticipated costs.

5. Local government mandates: This rule would not apply to local government units. There are no new requirements imposed by the rule on any other county, city, town, village; or school, fire, or other special district.

6. Paperwork: Providers will not experience an increase in paperwork as a result of the proposed regulations.

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

8. Alternatives: OPWDD did not consider any other alternatives to the proposed regulations. These changes are necessary to protect public health and individuals receiving services from providers certified or operated by OPWDD.

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

10. Compliance schedule: OPWDD plans to adopt the regulations as an emergency regulation effective upon filing. Following the comment period OPWDD plans to adopt the regulation as permanent. OPWDD expects that providers will be in compliance with the proposed requirements at the time of their effective date(s).

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis for the proposed regulation is not being submitted because it is apparent from the nature and purpose of the regulation that it will not have a substantial adverse impact on small businesses or local governments.

The proposed regulation adds Title 14 NYCRR Section 633.27 to authorize the Commissioner to permit abbreviated trainings and extend recertification deadlines for direct support professionals during periods of extreme staffing shortages for Article 16 facilities. The regulation will not result in new compliance requirements or additional professional services for providers. There is also no additional paperwork required by the amendment. The regulation is designed to protect individuals when staffing shortages prevent the ability to safely care for an individual receiving services. A Regulatory Flexibility Analysis for the proposed regulation is not being submitted because it is apparent from the nature and purpose of the regulation that it will not have a substantial adverse impact on small businesses and/or local governments.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for these amendments is not being submitted because the regulation will not impose any adverse impact or significant reporting, record keeping or other compliance requirements on public or private entities in rural areas. There are no professional services, capital, or other compliance costs imposed on public or private entities in rural areas as a result of the proposed regulation.

The proposed regulation adds Title 14 NYCRR Section 633.27 in order to authorize the Commissioner to permit abbreviated trainings and extend recertification deadlines for direct support professionals during periods of extreme staffing shortages for Article 16 facilities. The regulation will not result in an adverse impact on rural communities because the regulation applies to all Article 16 clinics who are certified or operated by OPWDD. The proposed regulation will not result in costs for regulated parties. Therefore, the amendments will not have any adverse effects on providers in rural areas and local governments.

Job Impact Statement

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

The proposed regulation adds Title 14 NYCRR Section 633.27 in order to allow the Commissioner to permit abbreviated trainings and extend recertification deadlines for direct support professionals during periods of extreme staffing shortages for Article 16 facilities. The regulation will not result in new compliance requirements for providers. The regulation is designed to protect individuals when staffing shortages prevent the ability to safely care for an individual receiving services. The regulation is only to be used in cases of extreme staffing shortages. Thus, the regulation will not have a substantial impact on jobs or employment opportunities in New York State.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**COVID-19 Vaccines**

I.D. No. PDD-43-21-00003-A

Filing No. 746

Filing Date: 2022-09-20

Effective Date: 2022-10-05

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

Action taken: Addition of section 680.14 to Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b) and 16.00

Subject: COVID-19 Vaccines.

Purpose: To require vaccinations in certain OPWDD settings.

Text or summary was published in the October 27, 2021 issue of the Register, I.D. No. PDD-43-21-00003-EP.

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

Text of rule and any required statements and analyses may be obtained from: Mary Beth Babcock, Office for People With Developmental Disabilities, 44 Holland Ave., 3rd Floor, Albany, NY 12229, (518) 474-7000, 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.

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

Public Service Commission

NOTICE OF ADOPTION**Disposition of a Tax Refund**

I.D. No. PSC-02-21-00006-A

Filing Date: 2022-09-16

Effective Date: 2022-09-16

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

Action taken: On 9/15/22, the PSC adopted an order adopting the terms of a joint proposal approving New York American Water Company, Inc.'s (NYAW) petition for the disposition of a sales tax refund received from the New York State Department of Taxation and Finance.

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

Subject: Disposition of a tax refund.

Purpose: To adopt the terms of a joint proposal approving NYAW's petition for the disposition of a tax refund.

Substance of final rule: The Commission, on September 15, 2022, adopted an order adopting the terms of a joint proposal, filed on July 8, 2022, by New York American Water Company, Inc. (NYAW), now known as Liberty Utilities (New York Water) Corp. and the Department of Public Service Staff, approving NYAW's petition for the disposition of a sales tax refund received from the New York State Department of Taxation and Finance, subject to the terms and conditions set forth in the order.

Text or summary was published in the January 13, 2021 issue of the Register, I.D. No. PSC-02-21-00006-P.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social

security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(20-W-0654SA1)

NOTICE OF ADOPTION**Disposition of a Tax Refund**

I.D. No. PSC-06-21-00009-A

Filing Date: 2022-09-16

Effective Date: 2022-09-16

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

Action taken: On 9/15/22, the PSC adopted an order adopting the terms of a joint proposal approving New York American Water Company, Inc.'s (NYAW) petition for the disposition of a property tax refund received from the Village of Island Park.

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

Subject: Disposition of a tax refund.

Purpose: To adopt the terms of a joint proposal approving NYAW's petition for the disposition of a tax refund.

Substance of final rule: The Commission, on September 15, 2022, adopted an order adopting the terms of a joint proposal, filed on July 8, 2022, by New York American Water Company, Inc. (NYAW), now known as Liberty Utilities (New York Water) Corp. and the Department of Public Service Staff, approving NYAW's petition for the disposition of a property tax refund received from the Village of Island Park, subject to the terms and conditions set forth in the order.

Text or summary was published in the February 10, 2021 issue of the Register, I.D. No. PSC-06-21-00009-P.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(21-W-0060SA1)

NOTICE OF ADOPTION**Request for Rehearing And/or Clarification**

I.D. No. PSC-16-21-00007-A

Filing Date: 2022-09-15

Effective Date: 2022-09-15

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

Action taken: On 9/15/22, the PSC adopted an order denying the Joint Utilities' request for a rehearing and providing clarification of the Commission's February 11, 2021 Order Implementing an Integrated Data Energy Resource.

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

Subject: Request for rehearing and/or clarification.

Purpose: To deny the Joint Utilities' request for rehearing and provide for clarification.

Substance of final rule: The Commission, on September 15, 2022, adopted an order denying Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc. (Con Edison), National Fuel Gas Distribution Corporation, New York State Electric & Gas Corporation (NYSEG), Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), KeySpan Gas East Corporation d/b/a National Grid (KEDLI), The Brooklyn Union Gas Company d/b/a National Grid (KEDNY), Orange and Rockland Utilities, Inc. (O&R), Rochester Gas & Electric Corporation (RG&E), and Liberty Utilities (St.

Lawrence Gas) Corporation's (collectively, the Joint Utilities) request for a rehearing and providing clarification of the Commission's February 11, 2021 Order Implementing an Integrated Data Energy Resource. Con Edison, O&R, NYSEG, RG&E, National Grid, KEDLI, and KEDNY shall, within 60 days following the end of each calendar year, file with the Secretary to the Commission a report detailing the costs incurred to implement Phase 1 of the Integrated Energy Data Resource and the allocation of those costs between affiliated utilities, subject to the terms and conditions set forth in the order.

Text or summary was published in the April 21, 2021 issue of the Register, I.D. No. PSC-16-21-00007-P.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(20-M-0082SA3)

NOTICE OF ADOPTION

Long-term Financing Agreement and Surcharge

I.D. No. PSC-44-21-00010-A

Filing Date: 2022-09-16

Effective Date: 2022-09-16

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

Action taken: On 9/15/22, the PSC adopted an order authorizing West Beekman Water Co., Inc. (West Beekman) to enter into a long-term financing agreement and implement a surcharge, and directed West Beekman to file an electric tariff to replace current paper tariffs.

Statutory authority: Public Service Law, sections 89-b, 89-c, and 89-f

Subject: Long-term financing agreement and surcharge.

Purpose: To authorize West Beekman to enter into a long-term financing agreement, implement a surcharge, and replace tariffs.

Substance of final rule: The Commission, on September 15, 2022, adopted an order authorizing West Beekman Water Co., Inc. (West Beekman) to enter into a long-term financing agreement, obtaining long-term debt of up to \$225,000 and implementing a quarterly surcharge of up to \$20 per customer, effective October 1, 2022, which will be used exclusively for payment of the loan service costs. West Beekman shall file on not less than five days' notice to become effective October 1, 2022, the Capital Improvement Surcharge Statement No. 1 in the form shown in Appendix B of the order. West Beekman shall also file an electronic tariff schedule, P.S.C. No. 2 – Water, on not less than 30 days' notice, to become effective on or before January 1, 2023, which will replace its existing paper tariffs. West Beekman shall file with the Secretary to the Commission a copy of the final loan terms within 30 days of issuance of the long-term debt with the Bank of Millbrook. West Beekman shall simultaneously file a revised Capital Improvement Surcharge Statement, containing an updated surcharge designed to collect the actual debt service costs, as described in the body of the order, along with a copy of a direct notification sent by direct mail to its customers notifying its customers of the revised surcharge. This revised Capital Improvement Surcharge Statement shall be filed to go into effect on not less than five days' notice, subject to the terms and conditions set forth in the order.

Text or summary was published in the November 3, 2021 issue of the Register, I.D. No. PSC-44-21-00010-P.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(21-W-0497SA1)

NOTICE OF ADOPTION

Disposition of a Tax Refund

I.D. No. PSC-44-21-00012-A

Filing Date: 2022-09-16

Effective Date: 2022-09-16

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

Action taken: On 9/15/22, the PSC adopted an order adopting the terms of a joint proposal approving New York American Water Company, Inc.'s (NYAW) petition for the disposition of a tax refund received from the New York State Department of Taxation and Finance.

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

Subject: Disposition of a tax refund.

Purpose: To adopt the terms of a joint proposal approving NYAW's petition for the disposition of a tax refund.

Substance of final rule: The Commission, on September 15, 2022, adopted an order adopting the terms of a joint proposal, filed on July 8, 2022, by New York American Water Company, Inc. (NYAW), now known as Liberty Utilities (New York Water) Corp. and the Department of Public Service Staff, approving NYAW's petition for the disposition of a tax refund received from the New York State Department of Taxation and Finance, subject to the terms and conditions set forth in the order.

Text or summary was published in the November 3, 2021 issue of the Register, I.D. No. PSC-44-21-00012-P.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(21-W-0356SA2)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-50-21-00005-A

Filing Date: 2022-09-19

Effective Date: 2022-09-19

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

Action taken: On 9/15/22, the PSC adopted an order approving BOP Greenpoint D LLC's (BOP Greenpoint) notice of intent to submeter electricity at 1 Eagle Street, and 227 West Street, Brooklyn, New York.

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

Subject: Submetering of electricity.

Purpose: To approve BOP Greenpoint's notice of intent to submeter electricity.

Substance of final rule: The Commission, on September 15, 2022, adopted an order approving BOP Greenpoint D LLC's notice of intent to submeter electricity at 1 Eagle Street, and 227 West Street, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc. The requirements of 16 NYCRR § 96.5(k)(3), as to the energy audit and energy efficiency plan requirements are not applicable to the notice of intent, subject to the terms and conditions set forth in the order.

Text or summary was published in the December 15, 2021 issue of the Register, I.D. No. PSC-50-21-00005-P.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(21-E-0412SA1)

NOTICE OF ADOPTION**Lease Agreement and System Improvement Charge****I.D. No.** PSC-01-22-00015-A**Filing Date:** 2022-09-16**Effective Date:** 2022-09-16

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

Action taken: On 9/15/22, the PSC adopted an order approving, with modifications, Fishers Island Electric Corporation's (FIEC) petition for authorization to enter into a lease-to-own agreement and to recover costs through a System Improvement Charge.

Statutory authority: Public Service Law, sections 65, 66 and 69

Subject: Lease agreement and System Improvement Charge.

Purpose: To approve, with modifications, FIEC's petition to enter into a lease-to-own agreement and to recover costs.

Substance of final rule: The Commission, on September 15, 2022, adopted an order approving, with modifications, Fishers Island Electric Corporation's (FIEC) petition for authorization to enter into a lease-to-own agreement and to recover costs through a System Improvement Charge. FIEC's request to enter into a lease-to-own agreement is authorized subject to the condition that the lease be executed after the Commission grants approval of the proposed Advance Metering Infrastructure (AMI) meters. FIEC is authorized to enter into a ten-year lease-to-own agreement from CoBank with a disbursement amount of \$176,176, not later than October 31, 2023. FIEC is directed to file, on not less than 30 days' notice and to become effective on a temporary basis on January 1, 2023, tariff amendments to implement the System Improvement Charge, a monthly non-AMI meter reading fee, and a meter replacement fee consistent with the discussion in the body of the order. The tariff amendments will not become effective on a permanent basis until authorized by the Commission. FIEC shall file, with the Secretary to the Commission, an unconditional acceptance letter accepting all the terms, conditions, and requirements of the order. If such acceptance is not filed within a period of 45 days from the issuance date of the order, the authorizations in the order are revoked. Within 60 days of the date of issuance of the order, FIEC shall file with the Secretary to the Commission an electric meter test plan for its advanced metering infrastructure electric meters. FIEC shall retain the manufacturer's test results of new electric meters for a period of at least six years. Within 30 days after the execution of the lease-to-own agreement, FIEC shall file, with the Secretary to the Commission, a copy of the executed documents. Within 60 days after the AMI system is in service, FIEC shall file, with the Secretary to the Commission, a compliance filing with the proposed surcharge percentage with backup data and justification (such as in-service dates, paid capital expenditures, replacements, retirements, etc.). Within 60 days after the Engineering Study is completed, FIEC shall file, with the Secretary to the Commission, a compliance filing with the proposed surcharge percentage with backup data and justification (such as completion date). FIEC is directed to track the actual plant in service balance and depreciation expense accrued for its AMI system until otherwise directed by the Commission. FIEC is directed to credit the depreciation expense allowance associated with its non-AMI meters to the depreciation reserve of the meter account as the non-AMI meters are removed from service. Within 90 days of the date of issuance of the order, FIEC shall file with the Secretary to the Commission a customer engagement plan and any associated outreach materials for the three phases of the Company's AMI implementation: pre-deployment, deployment, and post-deployment. FIEC shall file with the Secretary to the Commission within 60 days after the end of each calendar year, a verified report in the form prescribed by 16 NYCRR Section 115.1. The report shall detail the date, the amount, and the purpose for which funds were used for all expenditures made by FIEC related to AMI implementation for which it received reimbursement from CoBank through the lease agreement. FIEC is directed to individually notify its customers of the Commission's determination in the order no later than six weeks following the issuance of the order. FIEC is directed to file with the Secretary to the Commission, no later than six weeks after the issuance of the order, a copy of the customer notification, required by Ordering Clause No. 14, and an attestation that it has complied with Ordering Clause No. 14, subject to the terms and conditions set forth in the order.

Text or summary was published in the January 5, 2022 issue of the Register, I.D. No. PSC-01-22-00015-P.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(21-E-0580SA1)

NOTICE OF ADOPTION**Disposition of a Tax Refund****I.D. No.** PSC-05-22-00005-A**Filing Date:** 2022-09-16**Effective Date:** 2022-09-16

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

Action taken: On 9/15/22, the PSC adopted an order adopting the terms of a joint proposal approving New York American Water Company, Inc.'s (NYAW) petition for the disposition of a refund for garbage and refuse taxes received from the Town of Hempstead.

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

Subject: Disposition of a tax refund.

Purpose: To adopt the terms of a joint proposal approving NYAW's petition for the disposition of a tax refund.

Substance of final rule: The Commission, on September 15, 2022, adopted an order adopting the terms of a joint proposal, filed on July 8, 2022, by New York American Water Company, Inc. (NYAW), now known as Liberty Utilities (New York Water) Corp. and the Department of Public Service Staff, approving NYAW's petition for the disposition of a refund for garbage and refuse taxes received from the Town of Hempstead, subject to the terms and conditions set forth in the order.

Text or summary was published in the February 2, 2022 issue of the Register, I.D. No. PSC-05-22-00005-P.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(18-W-0554SA2)

NOTICE OF ADOPTION**Tariff Amendment Cancellation Supplement****I.D. No.** PSC-10-22-00014-A**Filing Date:** 2022-09-16**Effective Date:** 2022-09-16

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

Action taken: On 9/15/22, the PSC adopted an order approving Rochester Gas and Electric Corporation's (RG&E) Supplement No. 52 to Schedule P.S.C. No. 16-Gas, for cancellation of its proposed tariff amendments, to become effective October 1, 2022.

Statutory authority: Public Service Law, sections 65 and 66(12)

Subject: Tariff amendment cancellation supplement.

Purpose: To approve RG&E's cancellation supplement of its proposed tariff amendment.

Substance of final rule: The Commission, on September 15, 2022, adopted an order approving Rochester Gas and Electric Corporation's

Supplement No. 52 to Schedule P.S.C. No. 16 – Gas, for cancellation of its proposed tariff amendments, to become effective October 1, 2022, subject to the terms and conditions set forth in the order.

Text or summary was published in the March 9, 2022 issue of the Register, I.D. No. PSC-10-22-00014-P.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(22-G-0082SA1)

NOTICE OF ADOPTION

Tariff Amendment Cancellation Supplement

I.D. No. PSC-10-22-00016-A

Filing Date: 2022-09-16

Effective Date: 2022-09-16

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

Action taken: On 9/15/22, the PSC adopted an order approving New York State Electric & Gas Corporation's (NYSEG) Supplement No. 33 to Schedule P.S.C. No. 90 – Gas, for cancellation of its proposed tariff amendments, to become effective October 1, 2022.

Statutory authority: Public Service Law, sections 65 and 66(12)

Subject: Tariff amendment cancellation supplement.

Purpose: To approve NYSEG's cancellation supplement of its proposed tariff amendment.

Substance of final rule: The Commission, on September 15, 2022, adopted an order approving New York State Electric & Gas Corporation's Supplement No. 33 to Schedule P.S.C. No. 90 – Gas, for cancellation of its proposed tariff amendments, to become effective October 1, 2022, subject to the terms and conditions set forth in the order.

Text or summary was published in the March 9, 2022 issue of the Register, I.D. No. PSC-10-22-00016-P.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(22-G-0081SA1)

NOTICE OF ADOPTION

Modifications to the Expanded Solar For All Program

I.D. No. PSC-12-22-00007-A

Filing Date: 2022-09-15

Effective Date: 2022-09-15

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

Action taken: On 9/15/22, the PSC adopted an order approving modifications to the Expanded Solar For All Program authorized in the Commission's January 20, 2022 Order Approving Expanded Solar for All Program with Modifications.

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

Subject: Modifications to the Expanded Solar For All Program.

Purpose: To approve modifications to the Expanded Solar For All Program.

Substance of final rule: The Commission, on September 15, 2022, adopted an order approving modifications to the Expanded Solar For All Program authorized in the Commission's January 20, 2022 Order Approving Expanded Solar for All Program with Modifications. The New York State Energy Research and Development Authority and Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) shall, within 30 days of the effective date of the order, modify their Expanded Solar For All Implementation Plan to implement the modifications authorized in the order. National Grid is also directed to file tariff revisions modifying P.S.C. No. 220 – Electricity, to incorporate revisions consistent with the order, on not less than five days' notice, to become effective on a temporary basis on October 1, 2022. The revisions are to remain in effect on a temporary basis until made permanent by the Commission, subject to the terms and conditions set forth in the order.

Text or summary was published in the March 23, 2022 issue of the Register, I.D. No. PSC-12-22-00007-P.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(19-E-0735SA4)

NOTICE OF ADOPTION

Transfer of Street Lighting Facilities

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

Filing Date: 2022-09-16

Effective Date: 2022-09-16

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

Action taken: On 9/15/22, the PSC adopted an order approving, with conditions, Orange and Rockland Utilities, Inc.'s (O&R) petition to transfer street lighting facilities located within the Town of Wallkill (Wallkill) to Wallkill.

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

Subject: Transfer of street lighting facilities.

Purpose: To approve, with conditions, O&R's petition to transfer street lighting facilities to Wallkill.

Substance of final rule: The Commission, on September 15, 2022, adopted an order approving, with conditions, Orange and Rockland Utilities, Inc.'s (O&R) petition to transfer street lighting facilities located within the Town of Wallkill (Wallkill) to Wallkill. The authority is granted for one year from the issuance of the order and shall expire if the transaction does not occur within that time period. O&R is directed to file with the Secretary, within 60 days of the sale closing, a copy of the actual journal entries, including all related workpapers recorded to account for the transaction. O&R is also directed to file with the Secretary, within 60 days of the sale closing, a copy of the written consent from Verizon Communications, Inc. for the continued attachment of any and all of the street lighting facilities pursuant to the Joint Use Pole Attachment Agreement, subject to the terms and conditions set forth in the order.

Text or summary was published in the April 13, 2022 issue of the Register, I.D. No. PSC-15-22-00005-P.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(22-E-0136SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-20-22-00004-A

Filing Date: 2022-09-19

Effective Date: 2022-09-19

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

Action taken: On 9/15/22, the PSC adopted an order approving RXR 196 Willoughby Owner LLC's (RXR 196 Willoughby) petition to submeter electricity at 196 Willoughby Street, Brooklyn, New York.

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

Subject: Submetering of electricity.

Purpose: To approve RXR 196 Willoughby's petition to submeter electricity.

Substance of final rule: The Commission, on September 15, 2022, adopted an order approving RXR 196 Willoughby Owner LLC's petition to submeter electricity at 196 Willoughby Street, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

Text or summary was published in the May 18, 2022 issue of the Register, I.D. No. PSC-20-22-00004-P.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(22-E-0127SA1)

NOTICE OF ADOPTION

Transfer and Lease of Property

I.D. No. PSC-21-22-00006-A

Filing Date: 2022-09-16

Effective Date: 2022-09-16

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

Action taken: On 9/15/22, the PSC adopted an order authorizing Orange and Rockland Utilities, Inc.'s (O&R) to lease, transfer easements and transfer equipment to New York Transco LLC (NY Transco).

Statutory authority: Public Service Law, section 70

Subject: Transfer and lease of property.

Purpose: To approve O&R to transfer and lease property to NY Transco.

Substance of final rule: The Commission, on September 15, 2022, adopted an order authorizing Orange and Rockland Utilities, Inc.'s (O&R) to lease, transfer easements and transfer equipment to New York Transco LLC. O&R is authorized to defer the net proceeds as a regulatory liability for the future benefit of customers with interest accruing at O&R's authorized pre-tax weighted average cost of capital rate. O&R shall file with the Secretary, within 60 days of the closing date of the transactions, a copy of the final journal entries recorded to account for the transactions, and related workpapers, subject to the terms and conditions set forth in the order.

Text or summary was published in the May 25, 2022 issue of the Register, I.D. No. PSC-21-22-00006-P.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(22-E-0239SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-24-22-00005-A

Filing Date: 2022-09-19

Effective Date: 2022-09-19

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

Action taken: On 9/15/22, the PSC adopted an order approving 745 Broadway Albany LLC's (745 Broadway) petition to submeter electricity at 745 Broadway, Albany, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 745 Broadway's petition to submeter electricity.

Substance of final rule: The Commission, on September 15, 2022, adopted an order approving 745 Broadway Albany LLC's petition to submeter electricity at 745 Broadway, Albany, New York, located in the service territory of Niagara Mohawk Power Corporation, d/b/a National Grid, subject to the terms and conditions set forth in the order.

Text or summary was published in the June 15, 2022 issue of the Register, I.D. No. PSC-24-22-00005-P.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(22-E-0284SA1)

NOTICE OF ADOPTION

Submetering of Electricity and Waiver Request

I.D. No. PSC-26-22-00010-A

Filing Date: 2022-09-19

Effective Date: 2022-09-19

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

Action taken: On 9/15/22, the PSC adopted an order approving 167-171 Chrystie LP's (167-171 Chrystie) notice of intent to submeter electricity at 167-171 Chrystie Street, New York, New York and waiver for energy audit requirements of 16 NYCRR 96.5(k)(3).

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

Subject: Submetering of electricity and waiver request.

Purpose: To approve 167-171 Chrystie's notice of intent to submeter electricity and waiver request.

Substance of final rule: The Commission, on September 15, 2022, adopted an order approving 167-171 Chrystie LP's notice of intent to submeter electricity at 167-171 Chrystie Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., and waiver request of the energy audit and energy efficiency plan requirements of 16 NYCRR § 96.5(k)(3), subject to the terms and conditions set forth in the order.

Text or summary was published in the June 29, 2022 issue of the Register, I.D. No. PSC-26-22-00010-P.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(22-E-0162SA1)

NOTICE OF ADOPTION**Lease Extension for Transmission Line****I.D. No.** PSC-28-22-00007-A**Filing Date:** 2022-09-19**Effective Date:** 2022-09-19

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

Action taken: On 9/15/22, the PSC adopted an order adopting the emergency rule on a permanent basis, authorizing Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) to amend its lease for the Volney-Marcy Transmission Line.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Lease extension for transmission line.

Purpose: To adopt the emergency rule on a permanent basis.

Substance of final rule: The Commission, on September 15, 2022, adopted an order adopting the emergency rule on a permanent basis, authorizing Niagara Mohawk Power Corporation d/b/a National Grid to amend its lease for the Volney-Marcy Transmission Line to extend the term of the lease, which will reduce the rent paid by ratepayers over the course of lease, subject to the terms and conditions set forth in the order.

Text or summary was published in the July 13, 2022 issue of the Register, I.D. No. PSC-28-22-00007-EP.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(22-E-0253SA2)

NOTICE OF ADOPTION**Tariff Amendments****I.D. No.** PSC-28-22-00013-A**Filing Date:** 2022-09-16**Effective Date:** 2022-09-16

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

Action taken: On 9/15/22, the PSC adopted an order approving National Fuel Gas Distribution Corporation's (NFG) tariff amendments to P.S.C. No. 9-Gas, to become effective on October 1, 2022.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Tariff amendments.

Purpose: To approve NFG's tariff amendments.

Substance of final rule: The Commission, on September 15, 2022, adopted an order approving National Fuel Gas Distribution Corporation's (NFG) tariff amendments to P.S.C. No. 9 – Gas, to implement a Pension and Other Post-Employment Benefits (OPEB) Surcredit to pass back the pension and OPEB amounts NFG is collecting in rates, or \$14,994,000 annually, to become effective on October 1, 2022, subject to the terms and conditions set forth in the order.

Text or summary was published in the July 13, 2022 issue of the Register, I.D. No. PSC-28-22-00013-P.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(22-G-0364SA1)

NOTICE OF ADOPTION**Petition for Modified Financing****I.D. No.** PSC-28-22-00014-A**Filing Date:** 2022-09-15**Effective Date:** 2022-09-15

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

Action taken: On 9/15/22, the PSC adopted an order approving Champlain Hudson Power Express, Inc. (CHPEI) and CHPE Properties, Inc.'s (CHPE Properties) petition for modified financing to fund construction of the High Voltage Direct Current (HVDC) transmission line.

Statutory authority: Public Service Law, sections 5, 64, 65, 66 and 69

Subject: Petition for modified financing.

Purpose: To approve CHPEI and CHPE Properties' petition for modified financing.

Substance of final rule: The Commission, on September 15, 2022, adopted an order approving Champlain Hudson Power Express, Inc. (CHPEI) and CHPE Properties, Inc.'s (CHPE Properties) petition for modified financing to incur up to \$6.0 billion in indebtedness to fund construction of the High Voltage Direct Current (HVDC) transmission line extending approximately 330 miles from the New York/Canada border to a converter station in New York City. CHPE Properties and CHPE LLC are authorized to enter into financing arrangements, pursuant to Section 69 of the Public Service Law and are granted a Certificate of Public Convenience and Necessity for construction and ownership of the transmission line, subject to the terms and conditions set forth in the order.

Text or summary was published in the July 13, 2022 issue of the Register, I.D. No. PSC-28-22-00014-P.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(20-E-0598SA2)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED****Minor Rate Filing****I.D. No.** PSC-40-22-00003-P

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

Proposed Action: The Commission is considering a proposed tariff filing by Crystal Water Corp. to increase its annual total revenues by \$37,000 or 76.15% and to establish an escrow account for capital improvements.

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

Subject: Minor rate filing.

Purpose: To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Substance of proposed rule: The Commission is considering a proposal filed by Crystal Water Corp. (the Company) on September 2, 2022, to amend its tariff schedule, P.S.C. No. 1 – Water, to increase the Company's annual revenues by approximately \$37,000, or 76.15%, and to establish an escrow account for capital improvements.

The Company states that the proposed rate increase is necessary as the operating costs have significantly increased over the last eight years since their last rate adjustment. The Company is also requesting authorization to establish an escrow account with an initial balance of \$39,000 to fund crucial and immediate capital improvements and future extraordinary repairs and maintenance expenses. The proposed amendments have an effective date of January 1, 2023. The Company

also requests a waiver of newspaper publication requirements as it will notify customers directly.

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

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

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

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

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(22-W-0506SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Sale of Real Property and Granting of a Permanent Easement

I.D. No. PSC-40-22-00004-P

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

Proposed Action: The Commission is considering a petition filed by New York State Electric & Gas Corporation to authorize the sale of the facility and real property and grant a permanent easement to Northline Utilities, LLC.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70

Subject: Sale of real property and granting of a permanent easement.

Purpose: To determine whether to authorize the proposed sale and grant the permanent easement as well as the proper accounting treatment.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by New York State Electric & Gas Corporation (NYSEG or the Company) on August 15, 2022, requesting to sell the facility and property formerly known as NYSEG's Brewster Customer Service Center and a portion of land located at 31 International Boulevard, within the Village of Brewster, Town of Southeast, County of Putnam, New York to Northline Utilities, LLC (Northline or the Buyer). NYSEG is also requesting to grant Northline a permanent easement for the parking lot of the property.

Based on plant records, NYSEG represents that the original book cost of the facility and land is \$2,152,503 and the net book value, as of June 30, 2022, is \$801,338. NYSEG and Northline agreed upon a purchase price of \$1,425,000 based upon a third-party appraisal performed by a New York State Certified General Appraiser. NYSEG states that any gain on the sale of the facility and land will be set aside for NYSEG ratepayers.

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

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

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6517, email: secretary@dps.ny.gov

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

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(22-E-0483SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Transfer of Street Light Facilities

I.D. No. PSC-40-22-00005-P

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

Proposed Action: The Commission is considering a petition filed by New York State Electric & Gas Corporation for the transfer of certain street lighting facilities to the Town of Macedon.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of street light facilities.

Purpose: To consider the transfer of street lighting facilities and the proper accounting treatment.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by New York State Electric & Gas Corporation (NYSEG or the Company) on August 26, 2022, requesting to transfer to the Town of Macedon (the Town) the ownership of its system of street lighting facilities installed throughout the Town.

The street lighting facilities consist of a system of street lighting poles, luminaires, lamps, mast arms, electrical connections and wiring (Facilities). NYSEG requests the Commission's approval of the transaction pursuant to Public Service Law § 70(1), as the original cost of the proposed assets to be transferred is greater than \$100,000.

Based on plant records, NYSEG represents that the original book cost of the Facilities is approximately \$116,400 and the net book value, as of June 30, 2022, is \$3,562. The Company proposes to transfer the ownership of the Facilities to the Town for \$4,093. Upon the closing date of the sale, the Town will become solely responsible and liable for the operation, maintenance, and condition of the Facilities. The transfer will not impact the reliability, safety, operation, or maintenance of NYSEG's electric distribution system.

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

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

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6517, email: secretary@dps.ny.gov

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

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(22-E-0495SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

NYSRC Reliability Rules and Measurements

I.D. No. PSC-40-22-00006-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 revisions to the rules and measurements of the New York State Reliability Council (NYSRC) contained in Version 46 of the NYSRC's Reliability Rules.

Statutory authority: Public Service Law, sections 4(1), 5(2), 65(1), 66(1), (2), (4) and (5)

Subject: NYSRC reliability rules and measurements.

Purpose: To consider revisions to various rules and measurements of the NYSRC used to support safe and reliable electric service.

Substance of proposed rule: The Public Service Commission (Commission) is considering revisions to the rules and measurements of the New York State Reliability Council (NYSRC) contained in Version 46 of the NYSRC's Reliability Rules and Compliance Manual, filed on August 22, 2022.

This version of the NYSRC Reliability Rules and Compliance Manual includes, among other matters, revisions to the resource adequacy Loss of Load Expectation criterion, new rules requiring reporting of the Loss of Load Hours and Expected Unserved Energy metrics in NYSRC and New York Independent System Operator, Inc. resource capacity studies, and new and revised definitions.

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 other related matters.

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

Data, views or arguments may be submitted to: 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.

(05-E-1180SP20)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Solutions to Reduce the Impact of Traditional Demand Charges on Commercial Customers with Significant EV Charging Demand

I.D. No. PSC-40-22-00007-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 the Department of Public Service Staff (DPS Staff) Whitepaper Regarding Alternatives to the Traditional Demand Charge for Commercial Customer Electric Vehicle Charging.

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

Subject: Solutions to reduce the impact of traditional demand charges on commercial customers with significant EV charging demand.

Purpose: To request that the Public Service Commission direct electric utilities to implement the enumerated EV charging solutions.

Substance of proposed rule: The Public Service Commission (Commission) is considering the Department of Public Service Staff (DPS Staff) Whitepaper Regarding Alternatives to the Traditional Demand Charge for Commercial Customer Electric Vehicle Charging (the Whitepaper).

The Whitepaper proposes a framework to comply with the recently enacted provisions under Public Service Law (PSL) § 66-s, which requires the Commission to "commence a proceeding to establish a commercial tariff utilizing alternatives to traditional demand-based rate structures, other operating cost relief mechanisms, or a combination thereof [collectively, "solutions"] to facilitate faster charging for eligible light duty, heavy duty, and fleet electric vehicles."

In order to implement the requirements of PSL § 66-s, the DPS Staff Whitepaper recommends that the Commission direct each of the six combination electric and gas corporations (Utilities) to develop and propose a Commercial Managed Charging Program for immediate implementation to help support commercial electric vehicle charging customers (EV Charging customers), while work commences on a

rate design-based solution. The Whitepaper recommends that funding authorization for the presently-available direct current fast charger (DCFC) Per-Plug Incentive Program (PPI Program) be reallocated to provide additional incentives for technologies to help charging station operators reduce peak demands.

The Whitepaper recommends that the Commission direct the Utilities to begin collecting high-quality cost and revenue data necessary for Embedded Cost of Service (ECOS) Studies to begin consideration of whether EV Charging customers should take service in an existing service classification or whether such customers should be separated into new service classifications. The Whitepaper recommends that the Commission direct each of the Utilities to begin developing a rate design-based solution using a sliding scale between time of use energy rates and traditional demand rates based on an EV Charging customer's annual load factor.

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

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

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

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

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(22-E-0236SP1)

Workers' Compensation Board

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Attorney's Fees

I.D. No. WCB-40-22-00011-P

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

Proposed Action: Amendment of sections 300.17, 300.36 and 300.38 of Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, sections 117, 141 and 24

Subject: Attorney's fees.

Purpose: To conform regulations to Workers' Compensation Law section 24 amendment taking effect January 1, 2023.

Text of proposed rule: Section 300.17 of 12 NYCRR is hereby amended to read as follows:

In the representation of a claimant before the [b]Board or a Workers' Compensation Law Judge in any case:

(a) An attorney or licensed representative shall file a notice of retainer and appearance, and, when appropriate, a notice of substitution, in the format prescribed by the chair, immediately upon being retained. The attorney or licensed representative shall also transmit a copy of such notice to the insurance carrier, self-insured or other representative of the employer at the time of filing.

(b)(1) An attorney or licensed representative, substituted for a former attorney or licensed representative, shall immediately upon being retained serve the former attorney or licensed representative with a copy of the notice of substitution.

(2) An attorney or licensed representative may withdraw from representation of a claimant when:

(i) a notice of substitution has been filed; or

(ii) a withdrawal of representation completed in the format prescribed by the Chair has been filed and approved by a Workers' Compensation Law Judge or conciliator. Failure to obtain the approval of a Workers' Compensation Law Judge or conciliator prior to ceasing representation of a claimant, when a notice of substitution has not been filed, will constitute the basis of a referral for a violation of 22 NYCRR, Part 1200.0, Rules of Professional Conduct, Rule 1.16 for an attorney, and may be the basis for license revocation of a licensed representative.

[(c) No fee shall be approved or fixed, in accordance with subdivision (f) of this section, for the services of any such attorney or licensed representative who has failed or neglected to serve and file the required notice of retainer and appearance, the required notice of substitution, or obtained approval of a withdrawal of representation as required in paragraph (b)(2) of this section.]

[d] (c) [(1)] An attorney or licensed representative shall file an application in the format prescribed by the Chair in each instance where a fee is requested pursuant to sections 24 and 24-a of the Workers' Compensation Law, except that where the fee requested is not more than \$1000, the attorney or licensed representative may, in lieu of such written application, make an oral statement on the record *setting forth the calculation used to determine the fee and certifying that the amount is in accordance with subparagraph (2) of Section 24 of the Workers' Compensation Law* [as to the services rendered and the time spent for the performance of such services]. Notwithstanding the foregoing, the [b]Board may require an application in the format prescribed by the Chair for a fee of \$1000 or less. Any fee application shall be accurately completed.

[(2) All fees awarded at a hearing are to be made in the presence of the claimant, except that the Workers' Compensation Law Judge may, in his or her discretion, waive this requirement if the amount of the fee requested is not more than \$1000, provided that the attorney or licensed representative makes a statement on the record as to the services rendered and the time spent for the performance of such services.

(3) In any case where the claimant is not present and the amount of the fee requested is more than \$1000, the claimant must be advised of the amount requested by the attorney or licensed representative 10 days in advance of the awarding of a fee. The fee application shall contain a statement signed by the claimant indicating that he or she has reviewed the fee request with the attorney or licensed representative, has no objection to the requested fee, and understands that any approved fee will be deducted from the award, or the attorney or licensed representative shall, together with the fee application, submit written explanation as to why the signature was not obtained. If the board finds insufficient excuse for failure to obtain the written signature, the fee application may be considered defective. Proof of service by mail or otherwise on the copy of form OC-400.1 filed with the board, may be accepted as evidence that the claimant has been so advised.]

[e] (d) Whenever a fee is requested in excess of \$1000 for services rendered in conciliation, administrative determination, agreement pursuant to section 32 of the Workers' Compensation Law, or conference calendar processing, the request is to be made in the format prescribed by the Chair in each instance where a fee is requested. Such fee request shall [be itemized as to the services performed in the time since any prior fee request was submitted and the time spent for each service, with a total amount of time spent. Failure to sufficiently itemize services or time spent on services may be the basis for reducing or denying the fee request] *set forth the calculation used to determine the fee and certify that the amount is in accordance with subparagraph (2) of Section 24 of the Workers' Compensation Law*. [The claimant must be advised of the amount requested, the service rendered and the time spent for the performance of the services by the attorney or licensed representative 10 days prior to the awarding of a fee. Proof of service by mail or otherwise on the copy of the fee request filed with the board, may be acceptable as evidence that the claimant has been so advised.] Fees awarded in conciliation, administrative determination, agreement pursuant to section 32 of the Workers' Compensation Law, or conference calendar processing, may be approved by a conciliator or designee of the chair.

[f] (e) Whenever an award is made to a claimant who is represented by an attorney or a licensed representative, and a *written fee application* is [requested] *submitted*, the [b]Board in such case shall approve a fee in an amount commensurate with the services rendered and the amount of compensation awarded, [and] having due regard for the financial status of the claimant [and whether the attorney or licensed representative engaged in dilatory tactics or failed to comply in a timely manner with board rules. Unbecoming or unethical conduct by an attorney or licensed representative may result in reduction or denial of a fee request. In no case shall the fee be based solely on the amount of the award]. *In approving such fee, the Board shall apply the provisions of the schedule set forth in subparagraph (2) of Section 24 of the Workers' Compensation Law*.

[g] (f) Whenever an attorney or licensed representative is notified, by

notice of substitution or otherwise, that the claimant has terminated his or her retainer, the attorney or licensed representative, in each instance where a fee is requested for services rendered for which no previous fee has been approved, shall file an application for such final fee in the format prescribed by the Chair, within 30 days of the filing of the notice of substitution[, and serve a copy upon the claimant. The claimant must be advised of the amount requested, and the service rendered and the time spent for the performance of the services by the attorney or licensed representative, 10 days prior to the awarding of a fee. Proof of service by mail or otherwise on the copy of a fee request filed with the board, may be acceptable as evidence that the claimant has been so advised]. Where the fee requested is not more than \$1000, the attorney or licensed representative may make an oral statement on the record as to the services rendered [and the time spent for the performance of such services.] at the first hearing held following notice to such attorney or licensed representative that the retainer has been terminated. *The Board shall determine the amount of fees allocated to a prior attorney or licensed representative out of the total attorney's fees awarded. A substituted for attorney or licensed representative, and attorney or licensed representative currently retained by the claimant, shall each be given the opportunity to present the Board with their respective positions in writing prior to the allocation of the awarded attorney's fee.*

[(h) No fee shall be awarded to a claimant's attorney or licensed representative unless the attorney or licensed representative has complied with the requirements of this section.]

[i] (g) The [c]Chair may require that an attorney or licensed representative with access via the internet to his or her client's electronic case folder receive Board notices via an electronic mailbox.

Subdivision (j) of section 300.36 of Title 12 NYCRR is hereby amended to read as follows:

(j) An agreement may provide for [reasonable] fees commensurate with the services rendered by the claimant's attorney or licensed representative, *consistent with subdivision (f) of subparagraph (2) of Section 24 of the Workers' Compensation Law*. Whenever a fee is requested in excess of \$[450] 1,000, the requested fee is to be made upon form OC-400.1 attached to the submitted agreement.

Paragraph (5) of subdivision (f) of section 300.38 of Title 12 NYCRR is hereby removed.

[(5) The legal fee of claimant's legal representative shall be subject to a mandatory, substantial reduction for:

(i) failure to timely serve on all parties and file with the Board the claimant's pre-hearing conference statement;

(ii) filing a materially incomplete pre-hearing conference statement for claimant;

(iii) failure to list a witness, who subsequently testifies, on claimant's pre-hearing conference statement; or

(iv) failure to include with claimant's pre-hearing conference statement a copy of any document not in the electronic case file, which the claimant had in his or her possession or could reasonably have obtained, if such document is used by claimant's legal representative in seeking to establish the claim.

At the time of the fee award, the Workers' Compensation Law Judge shall state what fee would have been awarded but for the mandatory reduction, the amount of the reduction, and the resulting actual fee. If the Workers' Compensation Law Judge finds, based upon the legal representative's affidavit, that the conduct at issue was due to good cause and the legal representative exercised good faith and due diligence, the fee shall not be reduced.]

Text of 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: 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 Chair of the Workers' Compensation Board (Chair) is authorized to propose these amendments to Title 12 NYCRR. Workers' Compensation Law (WCL) § 117(1) authorizes the Chair to make reasonable regulations consistent with the provisions of the WCL. WCL § 141 authorizes the Chair to enforce all provisions of the chapter and make administrative regulations and orders providing in part for the receipt, indexing, and examining of all notices, claims and reports. The amendment to WCL § 24 also requires these amendments to avoid a conflict with the current regulations when this amendment takes effect January 1, 2023.

2. Legislative Objectives:

These regulations are being proposed to reduce confusion with respect to the awarding of attorney's fees for workers' compensation claimants' attorneys (and licensed representatives).

3. Needs and Benefits:

This proposal is intended to conform the regulations to the amendment to WCL § 24 taking effect January 1, 2023. The amendment establishes a set schedule for fees to be awarded, depending on the type of award (for example, 15% of the increased compensation for awards increasing the amount of compensation for periods of temporary total or temporary partial disability). The current regulations take into account the time spent on the claimant's case and allow further discretion than the amendment to the statute allows, so they are currently in conflict with this statute. One of the goals of the Board is to make workers' compensation claims as efficient as possible. This regulation updates existing regulations to conform to the statute taking effect January 1, 2023, which will reduce confusion or disputes over attorney's fees awarded to claimant's attorneys and licensed representatives.

4. Costs:

This proposal has no impact on costs, as it simply conforms existing regulations to the statutory requirements taking effect January 1, 2023, which change the calculation for claimant's attorney's fees (or licensed representatives) in workers' compensation claims.

5. Local Government Mandates:

The rule imposes no local government mandates.

6. Paperwork Requirements:

The proposed amendments to the regulations do not require any paperwork but allow a "substituted for" attorney or licensed representative (and the one currently retained by claimant) to present the Board their position in writing prior to allocation of the attorney's fee.

7. Duplication:

The proposed regulation does not duplicate or conflict with any state or federal requirements.

8. Alternatives:

One alternative would be to not propose the amendments and continue with the existing regulations. However, these regulations are in direct conflict with the statute taking effect January 1, 2023, and would cause confusion and issues surrounding attorney's fees.

9. Federal Standards:

There are no federal standards applicable to this proposed regulation.

10. Compliance Schedule:

The proposed amendments will take effect January 1, 2023, to conform to the date the statute takes effect.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis is not required because the proposal should not have any adverse economic impact or impose any new reporting, recordkeeping or other compliance requirements on small businesses or local governments. The proposal simply conforms the regulation to the statute taking effect January 1, 2023, which changes the calculation for claimant's attorney's fees (and licensed representatives).

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not required because the proposal should not have any impact on rural areas. The proposal simply conforms the regulation to the statute taking effect January 1, 2023, which changes the calculation for claimant's attorney's fees (and licensed representatives).

Job Impact Statement

The proposed rule should not have an adverse impact on jobs. The proposal simply conforms the regulation to the statute taking effect January 1, 2023, which changes the calculation for claimant's attorney's fees (and licensed representatives).

HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-33-22-00004-P	Amendments to the regulations (6 NYCRR Part 621) that implement ECL article 70 (Uniform Procedures Act) and related changes	Remote hearing by Webex event—October 20, 2022, 2:00 p.m. Remote hearing by Webex event—October 20, 2022, 6:00 p.m. The DEC will be conducting remote hearings by Webex as identified in item 5 on the Notice of Proposed Rule Making Form. Additional information regarding the hearings is available at https://www.dec.ny.gov/regulations/propregulations.html#public , under the section for Proposed Amendments to 6 NYCRR 621, Uniform Procedures Act.
Health, Department of		
HLT-39-22-00020-P	Early Intervention Program	NYS Convention Center, Meeting Rm. One, Empire State Plaza, Albany, NY—November 7, 2022, 11:00 a.m.
Housing and Community Renewal, Division of		
HCR-35-22-00004-P	City rent and eviction regulations governing rent control in New York City	One Bowling Green, New York, NY—November 15, 2022, 10:00 a.m. One Larkin Center, 2nd Fl., Yonkers, NY—November 15, 2022, 10:00 a.m. 1550 Franklin Ave., 1st Fl., Mineola, NY—November 15, 2022, 10:00 a.m.
HCR-35-22-00005-P	Emergency tenant protection regulations regulating residential rents and evictions	One Bowling Green, New York, NY—November 15, 2022, 10:00 a.m. One Larkin Center, 2nd Fl., Yonkers, NY—November 15, 2022, 10:00 a.m. 1550 Franklin Ave., 1st Fl., Mineola, NY—November 15, 2022, 10:00 a.m.
HCR-35-22-00006-P	State rent and eviction regulations governing statewide rent control	One Bowling Green, New York, NY—November 15, 2022, 10:00 a.m. One Larkin Center, 2nd Fl., Yonkers, NY—November 15, 2022, 10:00 a.m. 1550 Franklin Ave., 1st Fl., Mineola, NY—November 15, 2022, 10:00 a.m.
HCR-35-22-00007-P	Rent stabilization code regulating residential rents and evictions	One Bowling Green, New York, NY—November 15, 2022, 10:00 a.m. One Larkin Center, 2nd Fl., Yonkers, NY—November 15, 2022, 10:00 a.m. 1550 Franklin Ave., 1st Fl., Mineola, NY—November 15, 2022, 10:00 a.m.
Lake George Park Commission		
LGP-36-22-00006-P	Addition of waste water management regulations within the Lake George Park.	Fort William Henry Hotel, Lake George, NY—November 9, 2022, 4:00 p.m.
Liquor Authority, State		
LQR-36-22-00001-P	Minimum curriculum requirements for ATAP schools	163 W. 125th St., New York, NY—November 22, 2022, 10:00 a.m.
Long Island Power Authority		
LPA-37-22-00010-P	Solar Communities Program	Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 16, 2022, 2:00 p.m. H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 17, 2022, 10:00 a.m.

LPA-37-22-00012-P	Authority's small generator interconnection	Refer to schedule on: www.lipower.org Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 16, 2022, 2:00 p.m. H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 17, 2022, 10:00 a.m.
LPA-37-22-00013-P	Authority's annual budget and retail rates	Refer to schedule on: www.lipower.org Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 16, 2022, 2:00 p.m. H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 17, 2022, 10:00 a.m.
LPA-37-22-00014-P	Large Renewable Host Community Benefit Program	Refer to schedule on: www.lipower.org Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 16, 2022, 2:00 p.m. H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 17, 2022, 10:00 a.m.
LPA-37-22-00015-P	Long Island Choice Program	Refer to schedule on: www.lipower.org Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 16, 2022, 2:00 p.m. H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 17, 2022, 10:00 a.m.
LPA-37-22-00016-P	Bill credits and food and medicine spoilage reimbursements during widespread prolonged outages	Refer to schedule on: www.lipower.org Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 16, 2022, 2:00 p.m. H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 17, 2022, 10:00 a.m.
Public Service Commission		
PSC-31-22-00005-P	Proposed major rate increase in NYSEG's electric delivery revenues of approximately \$274 million (or 16.8% in total revenues)	Refer to schedule on: www.lipower.org Teleconference—November 2, 2022 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)* *On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, public notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 22-E-0317.
PSC-31-22-00006-P	Proposed major rate increase in NYSEG's gas delivery revenues of approximately \$43.4 million (or 9.8% in total revenues)	Teleconference — November 2, 2022 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)* *On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, public notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 22-G-0318.
PSC-31-22-00007-P	Proposed major rate increase in RG&E's gas delivery revenues of approximately \$37.7 million (or 9.7% in total revenues)	Teleconference — November 2, 2022 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)*

		*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, public notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 22-G-0320.	
PSC-31-22-00009-P	Proposed major rate increase in RG&E's electric delivery revenues of approximately \$93.8 million (or 11.3% in total revenues)	Teleconference — November 2, 2022 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)*	
		*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, public notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 22-E-0319.	
State, Department of			
DOS-39-22-00009-P	Administration and enforcement of the Uniform Code and Energy Code by the Department of State	Department of State, 99 Washington Ave., Rm. 505, Albany, NY—November 30, 2022, 10:00 a.m.	

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-24-22-00012-P	 08/25/23	Holding and movement of captive cervids	To ensure that captive cervids are held and moved in a manner designed to prevent disease and to be properly treated if disease
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ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-42-21-00010-P	 10/20/22	Provision of problem gambling treatment and recovery services	Identify the requirements for provision of problem gambling services
ASA-52-21-00005-EP	 12/29/22	Masking requirements in all OASAS certified/funded/otherwise authorized settings	To prevent the ongoing threat to public health of the spread of COVID-19 in OASAS settings
ASA-33-22-00001-P	 08/17/23	Requirements for the establishment, incorporation and certification of providers of addiction services	To update outdated and stigmatizing language and to clarify processes of the certification process for providers and applicants

BRIDGE AUTHORITY, NEW YORK STATE

SBA-32-22-00020-P	 08/10/23	Amend the Authority's rules in relation to the hours of operation for bridge walkways and/or bikeways.	To regulate certain Authority activities on bridge walkways and/or bikeways.
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CANNABIS MANAGEMENT, OFFICE OF

OCM-10-22-00017-RP	 03/09/23	Part 113 - Medical Cannabis	The proposed rule established the framework for the medical cannabis program in New York State
OCM-24-22-00013-P	 06/15/23	Packaging, Labeling, Marketing and Advertising of Adult-Use Cannabis	Establishing parameters for the packaging, labeling, marketing, and advertising of adult-use cannabis products, creating requirements for protecting the health and safety of consumers, and preventing targeting cannabis products to youth

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CANNABIS MANAGEMENT, OFFICE OF			
OCM-24-22-00014-P	06/15/23	Permitting and regulating Cannabis Laboratories	Regulating and permitting laboratories, analyzing adult-use and medical cannabis, providing results to the Office and licensees, and aiding in the determination that cannabis products reflect potency and meet limits for contaminants
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-52-21-00003-EP	12/29/22	To establish minimum standards to control the spread of COVID-19 at residential congregate programs	To establish minimum standards to control the spread of COVID-19 at residential congregate programs
CFS-33-22-00003-P	08/17/23	Limits on executive compensation	To remove the limits on executive compensation and administrative expenses
CFS-33-22-00010-P	08/17/23	Direct deposit for child care providers receiving child care assistance	To implement requirements of Section 390-c of the SSL, as amended by Chapter 650 of the Laws of 2021
CFS-36-22-00002-EP	09/07/23	Differential Response for Children Under Twelve (12) Years of Age	To establish a differential response program for children under twelve years of age
CFS-37-22-00003-EP	09/14/23	Updates provisions to reflect the enacted budget regarding child care assistance rates and work requirements.	To update provisions on child care assistance funded under the NYS Child Care Block Grant and Social Services Block Grant.
CIVIL SERVICE, DEPARTMENT OF			
CVS-23-22-00008-P	06/08/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-23-22-00009-P	06/08/23	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-22-00010-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-22-00011-P	06/08/23	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-22-00012-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-22-00013-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-22-00014-P	06/08/23	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-23-22-00015-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-22-00016-P	06/08/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-23-22-00017-P	06/08/23	Jurisdictional Classification	To delete positions from and to classify positions in the non-competitive class
CVS-23-22-00018-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-22-00019-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-22-00020-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-28-22-00001-P	07/13/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-28-22-00002-P	07/13/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-28-22-00003-P	07/13/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-28-22-00004-P	07/13/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-28-22-00005-P	07/13/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-28-22-00006-P	07/13/23	Jurisdictional Classification	To classify positions in the exempt class and to classify a position in the non-competitive class
CVS-32-22-00001-P	08/10/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-32-22-00002-P	08/10/23	Jurisdictional Classification	To delete a position from and to classify positions in the non-competitive class
CVS-32-22-00003-P	08/10/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-22-00004-P	08/10/23	Jurisdictional Classification	To classify positions in the exempt class and the non-competitive classes
CVS-32-22-00005-P	08/10/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-32-22-00006-P	08/10/23	Jurisdictional Classification	To classify a position in the exempt class and to classify positions in the non-competitive class
CVS-32-22-00007-P	08/10/23	Jurisdictional Classification	To classify positions in the exempt class and the non-competitive classes
CVS-32-22-00008-P	08/10/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-32-22-00009-P	08/10/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-22-00010-P	08/10/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-32-22-00011-P	08/10/23	Jurisdictional Classification	To classify positions in the exempt class and to delete positions from and to classify positions the non-competitive class
CVS-32-22-00012-P	08/10/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-22-00013-P	08/10/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-22-00014-P	08/10/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-22-00015-P	08/10/23	Jurisdictional Classification	To classify positions in the exempt class.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-32-22-00016-P	08/10/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-32-22-00017-P	08/10/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-32-22-00018-P	08/10/23	Jurisdictional Classification	To classify positions in the exempt class and the non-competitive classes
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-08-22-00007-EP	02/23/23	Disposition for violations of the conditions of release	To bring Board regulations into compliance with recent amendments to the Executive Law
CCS-16-22-00003-EP	04/20/23	Definitions, Standards of Incarcerated Individual Behavior, Special Housing Units, and Institutional Programs	To revise regulations to be in compliance with the new HALT legislation and applicable laws
CCS-31-22-00002-P	08/03/23	Privileged Correspondence	To update law changes regarding correspondence from CANY
CCS-39-22-00001-P	09/28/23	Closed Facilities	To repeal the rules establishing facilities that have closed
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-42-21-00004-EP	10/20/22	Professional Policing Standards	Implementation of the "New York State Professional Policing Act of 2021"
CJS-32-22-00028-P	08/10/23	NYS Forensic Laboratory Accreditation Standards	To add ISO/IEC 17020 as a standard.
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-45-21-00001-P	11/10/22	Commercial Production Credit Program	Update regulations to include a third party verification process for application submissions
EDV-32-22-00019-EP	08/10/23	Digital Gaming Media Production Tax Credit program	To create the administrative process for the program and conform to statute
EDV-37-22-00002-P	09/14/23	Empire State Film Production Tax Credit Program	To update the additional administrative process of this tax credit program
EDUCATION DEPARTMENT			
EDU-48-21-00008-P	02/17/23	Special education impartial hearing officers and the special education due process system procedures	To address volume of special education due process complaints in the New York City due process system
EDU-17-22-00005-P	04/27/23	Continuing education (CE) requirements for psychologists, social workers and mental health practitioners	To require such professionals to complete three CE credits on issues related to maintaining appropriate professional boundaries
EDU-22-22-00008-P	06/01/23	Instruction provided to students in a home, hospital, or institutional setting other than a school (homebound instruction)	To provide clarity as to the circumstances under which homebound instruction may be requested and delivered
EDU-22-22-00009-ERP	06/01/23	Implementing the Dominic Murray Sudden Cardiac Arrest Prevention Act	To implement the Dominic Murray Sudden Cardiac Arrest Prevention Act

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-26-22-00011-EP	06/29/23	Regents Examination in United States History and Government (Framework) for June 2022, August 2022, and January 2023	Provide flexibility so that students can meet the diploma requirements of the Regents Examination in US History
EDU-26-22-00012-EP	06/29/23	Providing flexibility regarding the administration of Regents examinations in mathematics and science in certain grades	To secure a waiver extension from the U.S. Department of Education of certain ESSA requirements by providing flexibility to schools and districts for administering Regents examinations in mathematics to grade 6 students and in science to grade 7 students
EDU-26-22-00013-EP	06/29/23	Requirements for the issuing of a special determination to graduate with a local diploma	To provide regulatory flexibility for students to graduate with a local diploma
EDU-26-22-00014-EP	06/29/23	Use of restricted local infiltration anesthesia/nitrus oxide analgesia by dental hygienists	To align the Commissioner's regulations with Chapter 198 of the Laws of 2022, permitting dental hygienists to use local infiltration and nitrus oxide anesthetic modalities
EDU-26-22-00015-P	06/29/23	Implementation timeline for the Computer Science Statement of Continued Eligibility (SOCE)	To extend the implementation timelines for the Computer Science SOCE in response to the COVID-19 pandemic
EDU-26-22-00016-EP	06/29/23	Standards for school building leader (SBL) preparation programs, definition of "leadership standards" for Annual Professional Performance Reviews, and safety net for the School Building Leader Assessment	To extend the date when SBL preparation programs must align with the new Professional Standards in Educational Leaders standards, revise the definition of leadership standards and change the deadline for the School Building Leader Assessment safety net
EDU-26-22-00017-P	06/29/23	Computer science being considered a career and technical education (CTE) subject	To add computer science under the umbrella of CTE subjects
EDU-26-22-00018-EP	06/29/23	Requirements for school districts to issue diplomas to eligible students confined in certain facilities	To implement Chapter 754 of the Laws of 2021, as amended by Chapter 26 of the Laws of 2022
EDU-30-22-00010-EP	07/27/23	Mental health practitioners' diagnosis privilege	To implement Chapter 230 of the Laws of 2022 relating to mental health practitioners' diagnosis privilege
EDU-39-22-00010-EP	09/28/23	Remote instruction and its delivery under emergency conditions and length of school days for approved school-age and preschool programs serving students with disabilities	To permit approved school-age and preschool programs serving students with disabilities to provide remote instruction on days they would otherwise close due to an emergency
EDU-39-22-00011-P	09/28/23	Appeals to the Commissioner of Education under Education Law § 310	To amend requirements
EDU-39-22-00012-EP	09/28/23	Laboratory experience required to take a science Regents examination	To permit students to satisfy laboratory requirement through a combination of hands-on and simulated laboratory experience
EDU-39-22-00013-P	09/28/23	Degree and experience requirements for college professors for the Tran G Certificate and the Individual Evaluation Pathway	To amend degree and experience requirements for college professors for the Traditional G certificate
EDU-39-22-00014-EP	09/28/23	Independent nurse practitioner practice	To implement Part C of Chapter 57 of the Laws of 2022
EDU-39-22-00015-EP	09/28/23	School Safety Plans	To conform the regulations to the amendments made to Education Law § 2801-a by Chapter 227 of the Laws of 2022

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-39-22-00016-EP	09/28/23	Universal Prekindergarten Program (UPK) Staffing Qualifications	To conform the Commissioner's regulations to Part A of Chapter 56 of the Laws of 2022
EDU-39-22-00017-EP	09/28/23	Execution by registered professional nurses of non-patient specific orders to administer COVID-19 and influenza tests.	To implement Part C of Chapter 57 of the Laws of 2022.
ELECTIONS, STATE BOARD OF			
SBE-30-22-00004-EP	07/27/23	Providing conforming signature collection requirements in regulation to conform with statute	To conform regulatory provisions to statutory provisions related to signature requirements
SBE-30-22-00005-EP	07/27/23	Providing revised deadline for designation of poll sites and new thresholds for number of early voting sites required	To conform regulatory provisions to canvassing provisions provided for by chapter 781 of Laws of 2021
ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE			
ERD-37-22-00009-P	09/14/23	Appliance and Equipment Efficiency Standards	To establish Appliance and Equipment Efficiency Standards for products specified in Energy Law Section 16-104(1).
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-51-21-00003-P	04/07/23	Environmental Remediation Programs	To amend 6 NYCRR Part 375, Environmental Remediation Programs
ENV-20-22-00003-P	07/19/23	Solid Waste Management Regulations	Amend the rules that implement the solid waste program in New York State to incorporate changes in law and implementation
ENV-22-22-00016-P	06/01/23	SPDES Incorporation by Reference	Update SPDES Incorporation by Reference
ENV-23-22-00007-P	08/17/23	Prohibition of glyphosate use by state departments, state agencies, and public benefit corporations on state property	Prohibit the use of glyphosate by state agencies, state departments, public benefit corporations unless exempted
ENV-27-22-00006-EP	07/06/23	Regulations governing recreational fishing of scup and black sea bass	To reduce the recreational harvest of scup and black sea bass in New York
ENV-28-22-00010-EP	07/13/23	Sanitary Condition of Shellfish Lands	To reclassify underwater shellfish lands to protect public health and general welfare.
ENV-28-22-00011-P	09/13/23	Forest Tax Law	Improving and sustainably managing New York's forest resources and lessening the administrative burden on participants/DEC staff
ENV-29-22-00001-P	07/20/23	Special licenses and permits; Marine Resources licenses and permits - Uniform Procedures.	Update regulations to reflect the reestablishment of the Division of Marine Resources and creation of new licenses and permits.
ENV-31-22-00001-EP	08/03/23	Peekamoose Valley Riparian Corridor	Protect public health, safety and general welfare and natural resources on the Peekamoose Valley Riparian Corridor
ENV-32-22-00026-EP	08/10/23	To prohibit the possession of shortfin mako	To protect shortfin mako sharks which are overfished and experiencing overfishing

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-33-22-00004-P	10/20/23	Amendments to the regulations (6 NYCRR Part 621) that implement ECL article 70 (Uniform Procedures Act) and related changes	DEC is proposing the amendments as a general update to Part 621, with conforming changes to Parts 421 and 601
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-42-21-00011-RP	01/18/23	Disclosure requirements for certain providers of commercial financing transactions	To provide new disclosure rules for small business financings
DFS-44-21-00015-P	11/03/22	Compliance With Community Reinvestment Act Requirements	To provide new rules concerning data collection on extension of credit to women-owned and minority-owned businesses
DFS-47-21-00006-RP	11/24/22	Minimum Standards for the Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	To hold insurers, plans and HMOs responsible for inaccurate provider directory information and replies to insureds' inquiries
DFS-50-21-00016-P	12/15/22	Debt Collection by Third-Party Debt Collectors and Debt Buyers	To clarify and modify standards for debt collection practices in New York
DFS-24-22-00010-P	06/15/23	Licensed Cashers of Checks; Fees	To change the maximum fee that may be charged by licensed check cashers and remove an automatic inflation adjustment
GAMING COMMISSION, NEW YORK STATE			
SGC-29-22-00010-P	07/20/23	Comprehensive regulations for interactive fantasy sports	To regulate interactive fantasy sports in New York.
SGC-30-22-00011-P	07/27/23	Licensing requirements for jockey's agent.	To align occupational licensing requirements with potential to perform role and align with model rules.
SGC-30-22-00012-P	07/27/23	Jockey equipment weighing rules for Thoroughbred racing	To enhance the integrity and safety of Thoroughbred racing
SGC-36-22-00003-P	09/07/23	Designation of substitute stewards.	To conform the substitute stewards rule to the current statute.
SGC-40-22-00009-P	10/05/23	The licensing and registration of gaming facility employees and vendors.	To govern the licensing and registration of gaming facility employees and vendors.
SGC-40-22-00010-P	10/05/23	Ineligible potential claimants in Thoroughbred claiming races.	To establish procedures for identifying ineligible claimants and resolving challenges to claims.
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-46-21-00005-RP	11/17/22	Nursing Home Minimum Direct Resident Care Spending	Every RHCf shall spend a minimum of 70% of revenue on direct resident care and 40% of revenue on resident-facing staffing
HLT-46-21-00007-RP	11/17/22	Minimum Staffing Requirements for Nursing Homes	Requiring minimum staffing levels for nursing homes
HLT-50-21-00002-EP	12/15/22	Investigation of Communicable Disease; Isolation and Quarantine	Control of communicable disease
HLT-50-21-00003-EP	12/15/22	Face Coverings for COVID-19 Prevention	To control and promote the control of communicable diseases to reduce their spread
HLT-50-21-00004-EP	12/15/22	Personal Caregiving and Compassionate Caregiving Visitors in Nursing Homes (NH's) and Adult Care Facilities (ACF's)	To require NH's & ACF's to establish policies & procedures relating to personal caregiving & compassionate caregiving visitors
HLT-07-22-00010-P	02/16/23	Clinical Staffing in General Hospitals	Requires general hospitals to have clinical staffing committees and create clinical staffing plans
HLT-07-22-00011-P	02/16/23	Surge and Flex Health Coordination System	Provides authority to the Commissioner to direct certain actions and waive certain regulations in an emergency
HLT-10-22-00009-P	03/09/23	Updated Retention Standards for Adult Care Facilities	To ensure admission and retention standards for adult care facilities are consistent with the Americans with Disabilities Act
HLT-12-22-00001-P	03/23/23	Clinical Laboratories and Blood Banks	To allow for remote supervision and updates to provide concordance with NYSED law for qualifications of technical personnel
HLT-12-22-00002-P	03/23/23	Reporting of Acute HIV Infection	To require clinicians to report any case of acute HIV within 24 hours of diagnoses
HLT-23-22-00001-P	06/08/23	Hospital and Nursing Home Personal Protective Equipment (PPE) Requirements	To ensure that all general hospitals and nursing homes maintain a 60-day supply of PPE during the COVID-19 emergency
HLT-26-22-00003-P	06/29/23	Repeal of Limits on Administrative Expenses and Executive Compensation	Repeal of Limits on Administrative Expenses and Executive Compensation
HLT-29-22-00003-P	07/20/23	Public Water Systems	Correct typographical errors&inconsistencies with the CFRs to obtain primacy enforcement authority under Safe Drinking Water Act
HLT-39-22-00004-P	09/28/23	Repeal of Collection of Source Plasma	Repeal of Collection of Source Plasma
HLT-39-22-00018-P	09/28/23	Source Plasma Donation Centers	To distinguish source plasma donation centers as a separate regulatory entity from blood banks.
HLT-39-22-00019-P	09/28/23	Private Duty Nursing (PDN) Services to Medically Fragile Adults	To increase PDN fee-for-service reimbursement for nursing services provided to medically fragile adults.
HLT-39-22-00020-P	11/07/23	Early Intervention Program	To conform existing program regulations to federal regulations and state statute, as well as to provide additional clarification

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-40-22-00002-P	10/05/23	Maximum Contaminant Levels (MCLs)	To adopt Maximum Contaminant Levels (MCLs) for four (4) additional per- and polyfluoroalkyl substances (PFAS).
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
HCR-35-22-00004-P	11/15/23	The City Rent and Eviction Regulations governing rent control in New York City.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
HCR-35-22-00005-P	11/15/23	The Emergency Tenant Protection Regulations regulating residential rents and evictions.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
HCR-35-22-00006-P	11/15/23	The State Rent and Eviction Regulations governing statewide rent control.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
HCR-35-22-00007-P	11/15/23	The Rent Stabilization Code regulating residential rents and evictions.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
JUDICIAL CONDUCT, STATE COMMISSION ON			
JDC-40-22-00008-P	10/05/23	Update of Definitions, pronouns, clarification of rules involving the work of the Commission; Commission hearings	To update Commission rules to reflect advances in technology and the use of non-gendered pronouns
LABOR, DEPARTMENT OF			
*LAB-34-21-00002-EP	11/17/22	New York Health and Essential Rights Act (NY HERO Act)	Airborne Infectious Disease Exposure Prevention Standard
*LAB-34-21-00002-ERP	11/17/22	New York Health and Essential Rights Act (NY HERO Act)	Airborne Infectious Disease Exposure Prevention Standard
LAB-51-21-00007-P	02/09/23	Workplace Safety Committees	To comply with Labor Law 27-d(8) which requires that the Department adopt regulations
LAB-37-22-00004-P	09/14/23	Prevailing Wage for Aggregate Hauling	To clarify the application Labor Law § 220(3-a)(f)
LAKE GEORGE PARK COMMISSION			
LGP-36-22-00006-P	11/09/23	Addition of Waste Water Management Regulations within the Lake George Park	The proposed regulations are intended to protect the waters of Lake George from wastewater pollution
LAW, DEPARTMENT OF			
LAW-49-21-00016-P	12/08/22	Charities regulatory framework and the use of gendered pronouns therein	Removal of all references to gender pronouns and replacing them with the neutral pronoun, "they" or "their"

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LIQUOR AUTHORITY, STATE			
LQR-26-22-00001-P	09/14/23	Ensuring smaller retailers are not unlawfully discriminated against through the charging of exorbitant split case fees	To ensure smaller retailers are not unlawfully discriminated against through the charging of exorbitant split case fees
LQR-36-22-00001-P	11/22/23	Minimum curriculum requirements for ATAP schools	To add information regarding human trafficking awareness and prevention to minimum curriculum requirements for ATAP schools
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap
*LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets
*LPA-28-20-00033-EP	exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
*LPA-12-21-00011-P	exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
LPA-17-22-00012-P	exempt	COVID-19 arrears forgiveness and low-income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility
LPA-17-22-00014-P	exempt	LIPA's delivery service adjustment cost recovery rider	To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers
LPA-37-22-00010-P	exempt	The Solar Communities Program	To provide bill savings benefits to customers participating in Solar Communities.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
LPA-37-22-00012-P	 exempt	The Authority's Small Generator Interconnection Procedures for Distributed Generators and/or Energy Storage Systems.	Alignment with New York's statewide cost sharing framework
LPA-37-22-00013-P	 exempt	The Authority's annual budget and retail rates.	Implementation of the Authority's annual budget and corresponding rate adjustments.
LPA-37-22-00014-P	 exempt	The Large Renewable Host Community Benefit Program.	To share the benefits of large renewable projects with host communities.
LPA-37-22-00015-P	 exempt	Long Island Choice Program	To eliminate potential barriers to the retail choice market in Long Island.
LPA-37-22-00016-P	 exempt	Bill credits and food and medicine spoilage reimbursements during widespread prolonged outages	To provide relief to customers who experience prolonged outages
MEDICAID INSPECTOR GENERAL, OFFICE OF			
MED-28-22-00016-P	 07/13/23	Medicaid Program Fraud, Waste and Abuse Prevention	To establish requirements for providers to detect and prevent fraud, waste and abuse in the Medicaid Program.
MENTAL HEALTH, OFFICE OF			
OMH-40-21-00007-EP	 10/06/22	COVID-19 Masking Program	To implement a COVID-19 mask program
OMH-23-22-00021-P	 06/08/23	Relating to the certification, operation and reimbursement of clinic treatment programs serving adults and children	To align such program with the State Plan Amendment
METROPOLITAN TRANSPORTATION AGENCY			
MTA-16-22-00008-EP	 04/20/23	Requiring mask wearing when mandated for indoor facilities and conveyances of the MTA & its affiliates and subsidiaries	To safeguard the public health and safety by adding a rule requiring the use of masks in facilities & conveyances when mandated
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	 exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	 exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-49-21-00010-EP	 12/08/22	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	 exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
*OBA-07-19-00019-P	 exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-30-22-00001-P	07/27/23	Listing of state parks, parkways, recreation facilities and historic sites (facilities) and address/contact updates	To update the listing of state parks, parkways, recreation facilities and historic sites and the address/contact information
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-40-21-00002-EP	10/06/22	Mandatory Face Coverings in OPWDD Certified Services	To protect public health
PDD-07-22-00004-EP	02/16/23	Certification of the Facility Class Known as Individualized Residential Alternative	To increase IRA capacity in cases of emergent circumstances
PDD-07-22-00005-EP	02/16/23	General Purpose	To increase IRA capacity in cases of emergent circumstances
PDD-10-22-00010-EP	03/09/23	Training Flexibilities	To provide flexibility in training requirements
PDD-26-22-00005-P	06/29/23	Gender Identity and Expression	To ensure people are treated with dignity and respect
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 EMPLOYMENT RELATIONS BOARD			
PRB-30-22-00003-P	07/27/23	Rules and regulations to effectuate the purposes of the State Employment Relations Act (Labor Law art. 20)	To enact procedures for the Farm Laborers Fair Laborers Practice Act, which amended the State Employment Relations Act
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-03-00011-P	 exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	 exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	 exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	 exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	 exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	 exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	 exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	 exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	 exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	 exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	 exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	 exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	 exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	 exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	 exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	 exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	 exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	 exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-04-00017-P	 exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	 exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	 exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	 exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	 exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	 exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	 exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	 exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	 exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	 exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	 exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	 exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	 exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	 exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	 exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	 exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	 exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	 exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-06-00009-P	 exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	 exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	 exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	 exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	 exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	 exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	 exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	 exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	 exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	 exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	 exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	 exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	 exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	 exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	 exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	 exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	 exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	 exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	 exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-07-00016-P	 exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	 exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	 exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	 exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	 exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	 exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	 exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	 exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	 exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	 exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	 exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	 exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	 exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	 exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	 exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	 exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	 exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	 exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-08-00012-P	 exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	 exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	 exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	 exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	 exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	 exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	 exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	 exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	 exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	 exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	 exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	 exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	 exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	 exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	 exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	 exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-08-00005-P	 exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	 exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	 exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	 exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	 exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	 exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	 exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	 exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	 exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	 exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	 exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	 exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	 exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	 exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	 exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	 exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm

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PUBLIC SERVICE COMMISSION			
*PSC-07-09-00018-P	 exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	 exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	 exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	 exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	 exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	 exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	 exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	 exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	 exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	 exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	 exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	 exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	 exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	 exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	 exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	 exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc

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PUBLIC SERVICE COMMISSION			
*PSC-20-09-00017-P	 exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	 exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	 exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	 exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	 exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	 exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Vernon and TW Telecom of New York L.P.
*PSC-27-09-00014-P	 exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	 exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and TW Telecom of New York L.P.
*PSC-29-09-00011-P	 exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	 exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	 exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	 exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	 exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	 exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	 exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	 exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	 exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-09-00013-P	 exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	 exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	 exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	 exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	 exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	 exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	 exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	 exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	 exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	 exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	 exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	 exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	 exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	 exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	 exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	 exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-10-00009-P	 exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	 exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	 exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	 exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	 exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	 exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	 exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	 exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	 exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	 exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	 exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	 exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	 exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	 exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	 exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	 exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-10-00016-P	 exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	 exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	 exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	 exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	 exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	 exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	 exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	 exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	 exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	 exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	 exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	 exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	 exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	 exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing
*PSC-35-11-00011-P	 exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	 exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	 exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-11-00003-P	 exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	 exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	 exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	 exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	 exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	 exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	 exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	 exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	 exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	 exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	 exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	 exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	 exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	 exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	 exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	 exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-12-00011-P	 exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	 exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	 exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	 exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	 exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	 exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-30-12-00010-P	 exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	 exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	 exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	 exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	 exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	 exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	 exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	 exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	 exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-06-13-00008-P	 exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-13-00012-P	 exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	 exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	 exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	 exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted
*PSC-18-13-00007-P	 exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	 exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	 exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	 exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	 exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	 exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	 exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	 exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request
*PSC-25-13-00009-P	 exempt	Provision by utilities of natural gas main and service lines	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-25-13-00012-P	 exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request
*PSC-27-13-00014-P	 exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund
*PSC-28-13-00014-P	 exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-13-00016-P	 exempt	The request of NGT for lightened regulation as a gas corporation	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC
*PSC-28-13-00017-P	 exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	 exempt	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices
*PSC-32-13-00012-P	 exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	 exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines
*PSC-33-13-00029-P	 exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy
*PSC-34-13-00004-P	 exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	 exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	 exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	 exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	 exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island
*PSC-45-13-00022-P	 exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	 exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	 exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	 exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	 exempt	Petition for submetering of electricity	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	 exempt	Conditioning, restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates	Consideration of conditioning, restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-49-13-00008-P	 exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	 exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-51-13-00010-P	 exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-51-13-00011-P	 exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-52-13-00012-P	 exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC)	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s)
*PSC-52-13-00015-P	 exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000	To consider allowing Knolls Water Company to enter into a long-term loan agreement
*PSC-05-14-00010-P	 exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	 exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDPC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	 exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	 exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	 exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	 exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	 exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties
*PSC-16-14-00015-P	 exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	 exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	 exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-14-00007-P	 exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	 exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	 exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	 exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	 exempt	Petition to transfer and merge systems, franchises and assets	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets
*PSC-23-14-00010-P	 exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	 exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	 exempt	To examine LDC's performance and performance measures	To improve gas safety performance
*PSC-26-14-00013-P	 exempt	Waiver of RG&E's tariffed definition of emergency generator	To consider waiver of RG&E's tariffed definition of emergency generator
*PSC-26-14-00020-P	 exempt	New electric utility backup service tariffs and standards for interconnection may be adopted	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid
*PSC-26-14-00021-P	 exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established	To balance the need for the information necessary to support a robust market with customer privacy concerns
*PSC-28-14-00014-P	 exempt	Petition to transfer systems, franchises and assets	To consider the Comcast and Charter transfer of systems, franchise and assets
*PSC-30-14-00023-P	 exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter
*PSC-30-14-00026-P	 exempt	Petition for a waiver to master meter electricity	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive, Albany, NY
*PSC-31-14-00004-P	 exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	 exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	 exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-14-00005-P	 exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	 exempt	Modification to the Commission's Electric Safety Standards	To consider revisions to the Commission's Electric Safety Standards
*PSC-38-14-00003-P	 exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program
*PSC-38-14-00004-P	 exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn
*PSC-38-14-00005-P	 exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2
*PSC-38-14-00007-P	 exempt	Whether to expand Con Edison's low income program to include Medicaid recipients	Whether to expand Con Edison's low income program to include Medicaid recipients
*PSC-38-14-00008-P	 exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn
*PSC-38-14-00010-P	 exempt	Inter-carrier telephone service quality standard and metrics and administrative changes	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines
*PSC-38-14-00012-P	 exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2
*PSC-39-14-00020-P	 exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	 exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers
*PSC-40-14-00009-P	 exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1
*PSC-40-14-00011-P	 exempt	Late Payment Charge	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due
*PSC-40-14-00013-P	 exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY
*PSC-40-14-00014-P	 exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-40-14-00015-P	 exempt	Late Payment Charge	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-14-00003-P	 exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	 exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	 exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line
*PSC-52-14-00019-P	 exempt	Petition for a waiver to master meter electricity	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY
*PSC-01-15-00014-P	 exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	 exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program
*PSC-10-15-00007-P	 exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	 exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	 exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	 exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	 exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	 exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	 exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	 exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	 exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	 exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-15-00015-P	 exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	 exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	 exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	 exempt	Notice of Intent to Submeter electricity	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York
*PSC-29-15-00025-P	 exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	 exempt	Development of a Community Solar Demonstration Project	To approve the development of a Community Solar Demonstration Project
*PSC-33-15-00009-P	 exempt	Remote net metering of a demonstration community net metering program	To consider approval of remote net metering of a demonstration community net metering program
*PSC-33-15-00012-P	 exempt	Remote net metering of a Community Solar Demonstration Project	To consider approval of remote net metering of a Community Solar Demonstration Project
*PSC-34-15-00021-P	 exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	 exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	 exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	 exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	 exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements
*PSC-44-15-00028-P	 exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	 exempt	Whitepaper on Implementing Lightened Ratemaking Regulation	Consider Whitepaper on Implementing Lightened Ratemaking Regulation
*PSC-48-15-00011-P	 exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016	Consider the proposed retirement of Huntley Units 67 and 68
*PSC-50-15-00006-P	 exempt	The reduction of rates	To consider the reduction of rates charged by Independent Water Works, Inc.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-15-00009-P	 exempt	Notice of Intent to submeter electricity	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York
*PSC-51-15-00010-P	 exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	 exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	 exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility
*PSC-04-16-00012-P	 exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station
*PSC-04-16-00013-P	 exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic
*PSC-06-16-00013-P	 exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs
*PSC-06-16-00014-P	 exempt	MEGA's proposed demonstration CCA program	To consider MEGA's proposed demonstration CCA program
*PSC-14-16-00008-P	 exempt	Resetting retail markets for ESCO mass market customers	To ensure consumer protections with respect to residential and small non-residential ESCO customers
*PSC-18-16-00013-P	 exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00014-P	 exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00015-P	 exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process	To ensure consumer protections for ESCO customers
*PSC-18-16-00016-P	 exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00018-P	 exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-20-16-00008-P	 exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)
*PSC-20-16-00010-P	 exempt	Deferral and recovery of incremental expense	To consider deferring costs of conducting leak survey and repairs for subsequent recovery
*PSC-20-16-00011-P	 exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-16-00009-P	 exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018	To extend the time period between the Companies' third-party assessments of customer personally identifiable information
*PSC-25-16-00025-P	 exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel
*PSC-25-16-00026-P	 exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications
*PSC-28-16-00017-P	 exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework	To determine appropriate rules for and calculation of the distributed generation reliability credit
*PSC-29-16-00024-P	 exempt	Participation of NYPA customers in surcharge-funded clean energy programs	To consider participation of NYPA customers in surcharge-funded clean energy programs
*PSC-32-16-00012-P	 exempt	Benefit-Cost Analysis Handbooks	To evaluate proposed methodologies of benefit-cost evaluation
*PSC-33-16-00001-EP	 exempt	Use of escrow funds for repairs	To authorize the use of escrow account funds for repairs
*PSC-33-16-00005-P	 exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges
*PSC-35-16-00015-P	 exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	 exempt	Recovery of costs for installation of electric service	To consider the recovery of costs for installation of electric service
*PSC-40-16-00025-P	 exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements
*PSC-47-16-00009-P	 exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	 exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	 exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	 exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	 exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	 exempt	Implementation of the four EAMs	To consider the implementation of EAMs for RG&E
*PSC-02-17-00012-P	 exempt	Implementation of the four EAMs	To consider the implementation of EAMs for NYSEG

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-17-00024-P	 exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist
*PSC-18-17-00026-P	 exempt	Revisions to the Dynamic Load Management surcharge	To consider revisions to the Dynamic Load Management surcharge
*PSC-19-17-00004-P	 exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016
*PSC-20-17-00008-P	 exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-20-17-00010-P	 exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-21-17-00013-P	 exempt	The establishment and implementation of Earnings Adjustment Mechanisms	To consider the establishment and implementation of Earnings Adjustment Mechanisms
*PSC-21-17-00018-P	 exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement
*PSC-22-17-00004-P	 exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	 exempt	Development of the Utility Energy Registry	Improved data access
*PSC-26-17-00005-P	 exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York
*PSC-34-17-00011-P	 exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	 exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-39-17-00011-P	 exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan
*PSC-42-17-00010-P	 exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report	To consider NFGD's petition for rehearing
*PSC-48-17-00015-P	 exempt	Low Income customer options for affordable water bills	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs
*PSC-50-17-00017-P	 exempt	New Wave Energy Corp.'s petition for rehearing	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	 exempt	Application of the Public Service Law to DER suppliers	To determine the appropriate regulatory framework for DER suppliers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-17-00019-P	 exempt	Transfer of utility property	To consider the transfer of utility property
*PSC-50-17-00021-P	 exempt	Disposition of tax refunds and other related matters	To consider the disposition of tax refunds and other related matters
*PSC-51-17-00011-P	 exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project
*PSC-04-18-00005-P	 exempt	Notice of intent to submeter electricity	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity
*PSC-05-18-00004-P	 exempt	Lexington Power's ZEC compliance obligation	To promote and maintain renewable and zero-emission electric energy resources
*PSC-06-18-00012-P	 exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	 exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	 exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades	To consider AEC's petition requesting resolution of their billing dispute with National Grid
*PSC-11-18-00004-P	 exempt	New York State Lifeline Program	To consider TracFone's petition seeking approval to participate in Lifeline
*PSC-13-18-00015-P	 exempt	Eligibility of an ESCO to market to and enroll residential customers	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension
*PSC-13-18-00023-P	 exempt	Reconciliation of property taxes	To consider NYAW's request to reconcile property taxes
*PSC-14-18-00006-P	 exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	 exempt	Petition for use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*PSC-18-18-00009-P	 exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	 exempt	Whether to impose consequences on 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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-29-18-00009-P	 exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	 exempt	Petition to submeter electricity	To ensure adequate submetering equipment and energy efficiency protections are in place
*PSC-34-18-00016-P	 exempt	Deferral of pre-staging and mobilization storm costs	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs
*PSC-35-18-00003-P	 exempt	Con Edison's 2018 DSIP and BCA Handbook Update	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00005-P	 exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers
*PSC-35-18-00006-P	 exempt	National Grid's 2018 DSIP and BCA Handbook Update	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00008-P	 exempt	Central Hudson's 2018 DSIP and BCA Handbook Update	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00010-P	 exempt	O&R's 2018 DSIP and BCA Handbook Update	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider
*PSC-39-18-00005-P	 exempt	Participation in New York State Lifeline Program	To encourage enhanced services for low-income customers
*PSC-40-18-00014-P	 exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018
*PSC-42-18-00011-P	 exempt	Voluntary residential beneficial electrification rate design	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers
*PSC-42-18-00013-P	 exempt	Petition for clarification and rehearing of the Smart Solutions Program Order	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity
*PSC-44-18-00016-P	 exempt	Petition for approval of gas metering equipment	To ensure that customer bills are based on accurate measurements of gas usage
*PSC-45-18-00005-P	 exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	 exempt	Order of the Commission related to caller ID unblocking	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County
*PSC-03-19-00002-P	 exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings	To reduce damage to underground utility facilities by requiring certain training and approving training curricula

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-19-00004-P	 exempt	Con Edison's petition for the Gas Innovation Program and associated budget	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals
*PSC-04-19-00011-P	 exempt	Update of revenue targets	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues
*PSC-06-19-00005-P	 exempt	Consideration of the Joint Utilities' proposed BDP Program	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects
*PSC-07-19-00009-P	 exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements	To insure the provision of safe and adequate energy service at just and reasonable rates
*PSC-07-19-00016-P	 exempt	Participation in New York State Lifeline Program	To encourage enhanced services for low-income customers
*PSC-09-19-00010-P	 exempt	Non-pipeline alternatives report recommendations	To consider the terms and conditions applicable to gas service
*PSC-13-19-00010-P	 exempt	New Commission requirements for gas company operator qualification programs	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities
*PSC-19-19-00013-P	 exempt	Proposed merger of three water utilities into one corporation	To determine if the proposed merger is in the public interest
*PSC-20-19-00008-P	 exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	 exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	 exempt	Implementation of Statewide Energy Benchmarking	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-32-19-00012-P	 exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	 exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	 exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-41-19-00003-P	 exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges	To provide qualifying residential customers with an optional three-part rate
*PSC-46-19-00008-P	 exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York	To promote and maintain renewable electric energy resources
*PSC-08-20-00003-P	 exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-10-20-00003-P	 exempt	The Commission's statewide low-income discount policy	To consider modifications to certain conditions regarding utility low-income discount programs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-20-00008-P	 exempt	Delivery rates of Corning Natural Gas Corporation	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020
*PSC-15-20-00011-P	 exempt	To modify the terms and conditions under which gas utilities provide service to electric generators	To provide clarity and uniformity to the provision of gas service to electric generators
*PSC-16-20-00004-P	 exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by Central Hudson
*PSC-18-20-00015-P	 exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program
*PSC-19-20-00004-P	 exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements
*PSC-19-20-00005-P	 exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To provide cost recovery for new DLM programs and prevent double compensation to participating customers
*PSC-19-20-00009-P	 exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity
*PSC-25-20-00010-P	 exempt	Whitepaper regarding energy service company financial assurance requirements	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies
*PSC-25-20-00016-P	 exempt	Modifications to the Low-Income Affordability program	To address the economic impacts of the COVID-19 pandemic
*PSC-27-20-00003-P	 exempt	To make the uniform statewide customer satisfaction survey permanent	To encourage consumer protections and safe and adequate service
*PSC-28-20-00022-P	 exempt	Compensation of distributed energy resources	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-28-20-00034-P	 exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*PSC-34-20-00005-P	 exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory
*PSC-38-20-00004-P	 exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-20-00008-P	 exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations
*PSC-45-20-00003-P	 exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-46-20-00005-P	 exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water's service	To determine if approving the DPS Staff's recommendations is in the public interest

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-20-00005-P	 exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers
*PSC-48-20-00007-P	 exempt	Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-51-20-00009-P	 exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether petitioner should be permitted to offer its "Energy Savings Program" to mass market customers
*PSC-51-20-00014-P	 exempt	Electric system needs and compensation for distributed energy resources	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources
*PSC-01-21-00004-P	 exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers
*PSC-04-21-00016-P	 exempt	Request for a waiver	To consider whether good cause exists to support a waiver of the Commission's Test Period Policy Statement
*PSC-09-21-00005-P	 exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-13-21-00016-P	 exempt	Revised distribution strategies and reallocation of remaining funding	To ensure the appropriate use of funding reserved for gas safety programs
*PSC-17-21-00005-P	 exempt	Submetering equipment	To consider use of submetering equipment and if it is in the public interest
*PSC-17-21-00006-P	 exempt	Community Choice Aggregation and Community Distributed Generation	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation
*PSC-17-21-00007-P	 exempt	Utility studies of climate change vulnerabilities	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities
*PSC-18-21-00004-P	 exempt	Community Choice Aggregation programs	To modify and improve Community Choice Aggregation programs in New York State
*PSC-18-21-00006-P	 exempt	Community Choice Aggregation renewable products	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products
*PSC-18-21-00008-P	 exempt	RG&E's Economic Development Programs and exemption from funding limits	To consider RG&E to grant up to \$5.25 million in ED funding to Project Block to the benefit of ratepayers
*PSC-19-21-00008-P	 exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG)	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program
*PSC-20-21-00004-P	 exempt	Regulatory approvals in connection with a 437 MW electric generating facility	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-21-00012-P	 exempt	Petition for the use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*PSC-21-21-00015-P	 exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-21-21-00019-P	 exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-25-21-00005-P	 exempt	Transfer of Penelec assets and franchise rights	To consider the transfer of utility assets and franchise to be in Waverly ratepayer and public interest
*PSC-26-21-00011-P	 exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-28-21-00012-P	 exempt	Transfer of ownership interests in a 55 megawatt natural gas-fired cogeneration facility located in North Tonawanda, NY	To address the proposed transfer and any matters within the public interest
*PSC-28-21-00013-P	 exempt	Elimination of internal audits of wholesale performance metrics	To consider Verizon New York Inc.'s petition to eliminate requirements for certain internal audits
*PSC-29-21-00009-P	 exempt	Proposed pilot program to use AMI to disconnect electric service to customers during gas system emergencies	To study the efficacy of using AMI to disconnect electric service during gas system emergencies
*PSC-30-21-00006-P	 exempt	NYSERDA proposal regarding Clean Energy Standard backstop collection processes	To ensure that NYSERDA has sufficient funds to make timely payments to generators pursuant to the Clean Energy Standard
*PSC-32-21-00002-P	 exempt	The prohibition on ESCO service to low-income customers	To consider whether Icon Energy, LLC d/b/a Source Power Company should be granted a waiver to serve low-income customers
*PSC-32-21-00003-P	 exempt	Exemptions from utility standby rates for certain designated or environmentally advantageous technologies	To harmonize standby rate exemptions statewide
*PSC-35-21-00009-P	 exempt	To modify the terms and conditions under which gas utilities provide service to electric generators	To provide clarity and uniformity to the provision of gas service to electric generators in New York State
*PSC-36-21-00006-P	 exempt	The Westchester Power Program	To consider integration of Opt-out Community Distributed Generation into the Westchester Power program
*PSC-36-21-00007-P	 exempt	Pension settlement payout losses incurred in 2020	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2020
*PSC-37-21-00009-P	 exempt	Procedures necessary to implement Tax Law Section 187-q	To establish procedures by which eligible utility-taxpayers can have the amounts of certain waived customer arrears certified
*PSC-37-21-00010-P	 exempt	Zero emitting electric generating facilities that are not renewable energy systems	To consider modifications to the Clean Energy Standard

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-21-00011-P	 exempt	Green Button Connect implementation	To consider the proposed Green Button Connect User Agreement and Green Button Connect Onboarding Process document
*PSC-37-21-00012-P	 exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Catalyst should be permitted to offer its Community Distributed Generation product to mass market customers
*PSC-38-21-00006-P	 exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-38-21-00007-P	 exempt	Electric metering equipment	To consider use of electric submeter and ensure that consumer bills will be based on accurate measurements of electric usage
*PSC-39-21-00007-P	 exempt	The proposed alternative method of account identification	To facilitate secure customer data exchanges between the utility or provider and energy service entities
PSC-46-21-00014-P	 exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
PSC-47-21-00003-P	 exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access
PSC-47-21-00005-P	 exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access
PSC-48-21-00007-P	 exempt	Verizon's Performance Assurance Plan	To consider whether to retire the Performance Assurance Plan
PSC-50-21-00006-P	 exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
PSC-50-21-00008-P	 exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
PSC-50-21-00011-P	 exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
PSC-50-21-00012-P	 exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
PSC-52-21-00006-P	 exempt	Proposed tariff revisions to the Companies firm demand response programs for the 2021-2022 season	To effectuate more efficient firm gas demand response programs to gain operational efficiency and shave peak demand
PSC-01-22-00013-P	 exempt	Interconnection costs	To consider a petition requesting relief from interconnection costs assigned by the interconnecting utility
PSC-01-22-00017-P	 exempt	Establishment of the regulatory regime applicable to a renewable natural gas project	To ensure appropriate regulation of a new gas corporation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-03-22-00004-P	 exempt	Proposal by electric utilities on a coordinated electric grid planning process	To support distribution and local transmission investments necessary to achieve the the State's clean energy and climate goals
PSC-04-22-00004-P	 exempt	Extension of the State Universal Service Fund	To continue to provide universal service at a reasonable rate in certain service territories
PSC-04-22-00005-P	 exempt	Petition to continue development and recover the costs of 23 local transmission projects	To ensure safe and adequate service at just and reasonable rates and to support the State's clean energy and climate goals
PSC-05-22-00001-P	 exempt	Green gas products	To consider an extension of the waiver permitting energy service companies to serve existing customers on green gas products
PSC-05-22-00004-P	 exempt	Initial Tariff Schedule	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-06-22-00009-P	 exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
PSC-12-22-00010-P	 exempt	Proposed major rate increase in Liberty SLG's gas revenues	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-13-22-00006-P	 exempt	Proposed major rate increase in Con Edison's delivery revenues of approximately \$500 million (or 18.2% in total revenues)	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-13-22-00009-P	 exempt	Proposed major rate increase in Con Edison's delivery revenues of approximately \$1.2 billion (or 11.2% in total revenues)	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-13-22-00011-P	 exempt	Positive revenue adjustments associated with emergency response, damage prevention and leak management for 2020	To consider a rehearing petition
PSC-13-22-00014-P	 exempt	Petition to develop and construct local transmission projects and to allocate and defer associated costs	To ensure safe and adequate service at just and reasonable rates and to support the State's clean energy and climate goals
PSC-14-22-00008-P	 exempt	An opt-out community distributed generation program	To establish the program rules for offering community distributed generation on and opt-out basis in New York State
PSC-18-22-00002-P	 exempt	NYSEG and RG&E's petition for a waiver of its 2021 customer service quality performance	To determine if NYSEG and RG&E's petition for waiver is in the public interest
PSC-18-22-00007-P	 exempt	Extension of deadline	Whether it is in the public interest to extend the deadline to allow the developer more time to energize residential units
PSC-19-22-00021-P	 exempt	Brooklyn Clean Energy Hub and cost recovery	To meet the Climate Leadership and Community Protection Act's goal of 9,000 megawatts of offshore wind generation
PSC-19-22-00022-P	 exempt	Modification of Con Edison's electric tariff	To either eliminate or waive a provision of the Standby Service Offset Tariff

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-19-22-00025-P	 exempt	Application of PSL provisions to Xerox as an electric corporation and water-works corporation	To consider whether Xerox should be exempt from PSL provisions, including requirements for full reports and keeping accounts
PSC-20-22-00006-P	 exempt	Electric metering equipment	To consider use of electric meter and ensure that consumer bills will be based on accurate measurements of electric usage
PSC-20-22-00008-P	 exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-20-22-00009-P	 exempt	Modify lease of utility property	To determine whether to authorize the extension and amendment of the lease of the Volney-Marcy transmission line
PSC-20-22-00010-P	 exempt	Waiver of 16 NYCRR Sections 86.3(a)(1), 86.3(a)(2), 86.3(b)(2), 86.4(b)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
PSC-20-22-00011-P	 exempt	Establishment of the regulatory regime applicable to a wind electric generating facility	To ensure appropriate regulation of a new electric corporation
PSC-20-22-00012-P	 exempt	Electric metering equipment	To consider use of electric submeter and ensure that consumer bills will be based on accurate measurements of electric usage
PSC-21-22-00005-P	 exempt	To implement the non-pipe alternative factor to recover the costs of approved alternative infrastructure projects	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-21-22-00007-P	 exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Atlantic Energy, LLC should be permitted to offer its LED Lighting product to mass market customers
PSC-21-22-00008-P	 exempt	Cybersecurity requirements	Modify the framework to ensure the protection of utility systems and customer data from cyber events
PSC-21-22-00009-P	 exempt	Initial Tariff Schedule, P.S.C. No. 1 - Water and waiver of rate setting authority	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-21-22-00010-P	 exempt	Transfer of control of cable television franchises and systems	To consider whether the transfer of control of cable franchises is in the public interest
PSC-21-22-00011-P	 exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Atlantic Energy, LLC should be permitted to offer its Smart Home Program product to mass market customers
PSC-22-22-00013-P	 exempt	National Grid's proposed gas demand response program	To determine if National Grid's proposed gas demand response program is in the public interest
PSC-22-22-00014-P	 exempt	Amendments to the Standardized Interconnection Requirements	To consider changes to accommodate the interconnection of distributed energy resources by governmental entities
PSC-22-22-00015-P	 exempt	Proposal to make an adjustment to its URD surcharge	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-23-22-00022-P	 exempt	Transfer of Arbor Hills' assets and a rate proposal regarding investments made by Liberty in the Arbor Hills system	To determine if the transfer of Arbor Hills' assets and a rate proposal is in the public interest
PSC-23-22-00023-P	 exempt	16 NYCRR Article VII waiver	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
PSC-23-22-00024-P	 exempt	Minor rate filing	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-24-22-00004-P	 exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
PSC-24-22-00006-P	 exempt	The replacement of existing cellular antennas on a transmission tower	Whether authorizing the petition is in the public interest
PSC-24-22-00007-P	 exempt	St. Lawrence Gas' petition for a waiver of its 2021 service quality performance	To determine if St. Lawrence Gas' petition for waiver is in the public interest
PSC-24-22-00008-P	 exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
PSC-24-22-00009-P	 exempt	The replacement of existing cellular antennas on a transmission tower	Whether authorizing the petition is in the public interest
PSC-25-22-00004-P	 exempt	Electric metering equipment	To ensure that consumer bills are based on accurate measurements of electric usage
PSC-25-22-00005-P	 exempt	Notice of intent to submeter electricity and waiver request	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-25-22-00006-P	 exempt	The financial impacts of the COVID-19 pandemic	To consider measures to provide relief to those financially impacted by the COVID-19 pandemic
PSC-25-22-00007-P	 exempt	Notice of intent to submeter electricity and waiver request	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-26-22-00008-P	 exempt	Compensation under the Value of Distributed Energy Resources tariff	To consider compensation mechanisms for legacy baseline hydroelectric and other renewable energy resources
PSC-26-22-00009-P	 exempt	Minor rate filing	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-27-22-00004-P	 exempt	Establishment of the regulatory regime applicable to a solar electric generating facility	To ensure appropriate regulation of a new electric corporation
PSC-27-22-00005-P	 exempt	Proposed revisions to the Companies' firm gas demand response programs for the 2022 - 2023 Winter season and going forward	To determine whether to authorize the Companies' proposed modifications to their firm gas demand response programs
PSC-28-22-00012-P	 exempt	Transfer of real property.	To determine whether to authorize the transfer of real property.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-28-22-00015-P	 exempt	Conditions for mitigating potential vertical market power risk.	To reconsider conditions imposed on the ownership of transmission and generation assets to mitigate vertical market power risk.
PSC-29-22-00005-P	 exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-29-22-00006-P	 exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-29-22-00007-P	 exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-29-22-00008-P	 exempt	The replacement of existing cellular antennas on a transmission tower.	Whether authorizing the petition is in the public interest.
PSC-29-22-00009-P	 exempt	Area code overlay as relief of the exhausting 716 area code.	To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest.
PSC-30-22-00008-P	 exempt	Green gas products.	To consider whether the proposed green gas products should be offered to mass-market customers by ESCOs.
PSC-30-22-00009-P	 exempt	Establishment of the regulatory regime applicable to a battery storage project.	To ensure appropriate regulation of an electric corporation.
PSC-31-22-00003-P	 exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-31-22-00004-P	 exempt	Joint petition for an order authorizing the transfer of certain real and personal property.	To consider the transfer of certain real and personal property from Con Edison to Transco.
PSC-31-22-00005-P	 exempt	Proposed major rate increase in NYSEG's electric delivery revenues of approximately \$274 million (or 16.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-22-00006-P	 exempt	Proposed major rate increase in NYSEG's gas delivery revenues of approximately \$43.4 million (or 9.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-22-00007-P	 exempt	Proposed major rate increase in RG&E's gas delivery revenues of approximately \$37.7 million (or 9.7% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-22-00008-P	 exempt	Pension settlement payout losses incurred in 2021.	Consideration of Liberty's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2021.
PSC-31-22-00009-P	 exempt	Proposed major rate increase in RG&E's electric delivery revenues of approximately \$93.8 million (or 11.3% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-32-22-00021-P	 exempt	The proposed transfer of facilities and real property interests associated with an electric corporation.	Consideration of whether the proposed transfer is in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-32-22-00022-P	 exempt	Establishment of the regulatory regime applicable to a wind electric generating facility.	To ensure appropriate regulation of a new electric corporation.
PSC-32-22-00023-P	 exempt	Bioenergy generation in New York.	To consider compensation for bioenergy generation.
PSC-32-22-00024-P	 exempt	The proposed transfer of real property interests associated with an electric corporation.	Consideration of whether the proposed transfer is in the public interest.
PSC-32-22-00025-P	 exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-32-22-00027-P	 08/10/23	Use of preferred name and pronouns.	To provide residential applicants and customers of utilities the option to use their preferred name and/or pronouns.
PSC-33-22-00005-P	 exempt	Agreement for the provision of water service and waivers.	To consider whether the terms of a service agreement and requested waivers are in the public interest.
PSC-33-22-00006-P	 exempt	Use of gas metering equipment.	To consider use of volume corrector and ensure that consumer bills will be based on accurate measurements of gas usage.
PSC-33-22-00007-P	 exempt	PSC Regulations 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-33-22-00008-P	 exempt	Gas moratorium consumer protections.	To consider protections for existing and prospective customers should a utility institutes a moratorium on new gas service.
PSC-33-22-00009-P	 exempt	Use of electric metering equipment.	To consider use of electric metering equipment and ensure consumer bills are based on accurate measurements of electric usage.
PSC-34-22-00003-P	 exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-34-22-00004-P	 exempt	Clean Energy Standard administration.	To authorize the funding necessary for continued implementation of the Clean Energy Standard.
PSC-34-22-00005-P	 exempt	Transfer of a Certificate of Environmental Compatibility and Public Need.	Consideration of whether the proposed transfer is in the public interest.
PSC-34-22-00006-P	 exempt	Pole attachment rates.	To provide just and reasonable pole attachment rates.
PSC-34-22-00007-P	 exempt	Use of electric metering equipment.	To consider use of an electric meter, and ensure consumer bills are based on accurate measurements of electric usage.
PSC-34-22-00008-P	 exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-36-22-00004-P	 exempt	A petition for the transfer of utility property, granting of a CPCN, and lightened regulation.	To determine if it is in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-36-22-00005-P	 exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-37-22-00005-P	 exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-37-22-00006-P	 exempt	Assessment of the need of the project for the provision of safe and adequate service at just and reasonable rates.	To determine whether the project is necessary and whether the utility can begin cost recovery through a surcharge mechanism.
PSC-37-22-00007-P	 09/14/23	Implementation of enhanced emergency contingency plans by telephone and cable companies, including storm response and credits.	To implement enhanced storm readiness and response by telephone and cable companies.
PSC-37-22-00008-P	 09/14/23	Technical amendments of state regulations and administrative corrections.	To make the provisions of natural gas service safer in New York State.
PSC-38-22-00002-P	 exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00003-P	 exempt	A debt financing arrangement with respect to a proposed solar generation project.	To consider the requested financing arrangement, and if approved, what regulatory conditions should apply.
PSC-38-22-00004-P	 exempt	Establishment of the regulatory regime applicable to a battery storage project.	To ensure appropriate regulation of an electric corporation.
PSC-38-22-00005-P	 exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00006-P	 exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00007-P	 exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00008-P	 exempt	Consideration of a Long Island Offshore Wind Export PPTN under the NYISO's planning process.	To determine whether the NYISO should proceed to select a solution to the identified Long Island Offshore Wind Export PPTN.
PSC-38-22-00009-P	 exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00010-P	 exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-39-22-00006-P	 exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-39-22-00007-P	 exempt	Transfer of indirect ownership of cable television facilities and 27 municipal franchises.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-39-22-00008-P	 exempt	Proposed service territory extension, waiver, and tariff revisions.	To determine if proposed territory extension, waiver, and tariff revisions are in the public interest.
PSC-40-22-00003-P	 exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-40-22-00004-P	 exempt	Sale of real property and granting of a permanent easement.	To determine whether to authorize the proposed sale and grant the permanent easement as well as the proper accounting treatment.
PSC-40-22-00005-P	 exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities and the proper accounting treatment.
PSC-40-22-00006-P	 exempt	NYSRC reliability rules and measurements.	To consider revisions to various rules and measurements of the NYSRC used to support safe and reliable electric service.
PSC-40-22-00007-P	 exempt	Solutions to reduce the impact of traditional demand charges on commercial customers with significant EV charging demand.	To request that the Public Service Commission direct electric utilities to implement the enumerated EV charging solutions.
STATE, DEPARTMENT OF			
DOS-28-22-00009-P	 07/13/23	Definition of a "Qualifying 501(c)(4) entity" for the purposes of Part 146 of Title 19 of NYCRR	To correct a technical error regarding Charitable and Non-Charitable Non-Profit Organization Filings with this Department
DOS-29-22-00004-P	 09/21/23	Updates to educational standards.	Conform existing regulations to changes required relating to fair housing education.
DOS-30-22-00002-EP	 07/27/23	Eligible professions for the purchase, sale and delivery of body armor	Establish criteria for professions requiring the use of body armor and processes for body armor purchase, sale or delivery
DOS-30-22-00007-P	 07/27/23	Notaries public	To set standards relating to the performance of notarial acts, including electronic notarial acts
DOS-39-22-00009-P	 11/30/23	Administration and enforcement of the Uniform Code and Energy Code by the Department of State	To ensure the Department's administration and enforcement of the Uniform Code and Energy Code satisfies the minimum standards
STATE UNIVERSITY OF NEW YORK			
SUN-21-22-00003-EP	 05/25/23	State basic financial assistance for the operating expenses of community colleges under the programs of SUNY and CUNY	To modify limitations formula for basic State financial assistance and modify the funding floor
SUN-34-22-00002-EP	 08/24/23	State University of New York Tuition and Fee Schedule	To amend the Tuition and Fees Schedule effective for the Fall 2022 semester.
TAXATION AND FINANCE, DEPARTMENT OF			
*TAF-46-20-00003-P	 exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-34-22-00001-P	 exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.	To set the sales tax component and the composite rate per gallon for the period October 1, 2022 through December 31, 2022.
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-01-22-00001-EP	 01/05/23	2019 Novel Coronavirus (COVID-19) masking requirements in congregate shelters	Protect the well-being of shelter staff and persons staying in congregate shelters
TDA-39-22-00005-EP	 09/28/23	Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)	These regulatory amendments set forth the federally-approved SUAs as of 10/1/22
TRANSPORTATION, DEPARTMENT OF			
TRN-18-22-00001-P	 05/04/23	Regulation of commercial motor carriers in New York State	To repeal or modify obsolete provisions, make technical changes, and implement non-discretionary statutory provisions
VICTIM SERVICES, OFFICE OF			
OVS-31-22-00010-P	 08/03/23	Office of Victim Services direct reimbursement to medical providers for services to sexual assault survivors	To ensure OVS' related regulations reflected the current law and to provide guidance to the medical providers
OVS-31-22-00011-P	 08/03/23	Office of Victim Services reimbursement for items of essential personal property	To define and establish reasonable reimbursement amounts for items of EPP related to welfare
WORKERS' COMPENSATION BOARD			
WCB-09-22-00002-P	 03/02/23	Intraoperative Neurophysiological Monitoring	To define IOM and clarify that remote IOM is prohibited except in very limited circumstances
WCB-26-22-00002-P	 06/29/23	Pharmacy networks	To require carriers to notify pharmacies when there is a network
WCB-40-22-00011-P	 10/05/23	Attorney's fees	To conform regulations to WCL section 24 amendment taking effect 1/1/23

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

685 Investors LLC
80 Fifth Ave., Suite 1201, New York, NY 10011
State or country in which incorporated — New York

Arkema
420 rue d'Estienne d'Orves, 927000 Colombes, France
State or country in which incorporated — France

Array Apartments LSP, LLC
1001 S. Dairy Ashford Rd., Suite 350, Houston, TX 77077
State or country in which incorporated — Delaware

BR1 Holdings, LLC
603 E. Broadway St., Prosper, TX 75078
State or country in which incorporated — Delaware

Brightview Senior Living VIII, LLC
218 N. Charles St., Suite 220, Baltimore, MD 21201
State or country in which incorporated — Maryland limited liability company

Capgemini SE
11 rue de Tilsitt - 75017 Paris, France
State or country in which incorporated — France

Cerebral Inc.
340 S. Lemon Ave., #9892, Walnut, CA 91789
State or country in which incorporated — Delaware

Compagnie Generale Des Etablissements Michelin
23 Place des Carnes-Dechaux, 63000 Clermont-Ferrand, France
State or country in which incorporated — France

CSW Luxor VII Montgomeryville, L.P.
c/o Capital Solutions, Inc., 751 Arbor Way, Suite 210, Blue Bell, PA 19422
State or country in which incorporated — Luxor VII GP, LLC

CX Owings Mills Multifamily, DST
4890 W. Kennedy Blvd., Suite 200, Tampa, FL 33609
State or country in which incorporated — Delaware

CX Residences at Congressional Village, DST
4890 W. Kennedy Blvd., Suite 200, Tampa, FL 33609
State or country in which incorporated — Delaware

Investment Managers Series Trust II
235 W. Galena St., Milwaukee, WI 53212
State or country in which incorporated — Delaware

LTV Equity Co., LLC
48 W. 38th St., Eighth Fl., New York, NY 10018
State or country in which incorporated — Delaware

Monterrey FW Multifamily, LLC
603 E. Broadway St., Prosper, TX 75078
State or country in which incorporated — Texas

NorthPoint Industrial Fund VI, LLC
3315 N. Oak Trafficway, Kansas City, MO 64116
State or country in which incorporated — Delaware

Repeat, Inc.
2809 Ocean Ave., Venice, CA 90291
State or country in which incorporated — Delaware

Retromer Therapeutics Corp.
599 Lexington Ave., 47th Fl., New York, NY 10022
State or country in which incorporated — Delaware

S4 Capital Pie
12 St. James's Place, London, United Kingdom SW1A, INX
State or country in which incorporated — England

Sabio Holdings Inc.
16350 Ventura Blvd., #0827, Encino, CA 91436
State or country in which incorporated — Canada

Texas Strategic Growth Fund, L.P.
14185 Dallas Pkwy., Suite 780, Dallas, TX 75254
State or country in which incorporated — Delaware

Valiant Eagle, Inc.
6320 Canoga Ave., Suite 1564, Woodland Hills, CA 91367
State or country in which incorporated — Delaware

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

PROPERLY PLUG/RESTORE ABANDONED GAS WELL SITES Western Region, Various Counties

Sealed bids for Project No. 47413-C, comprising a contract for Construction Work, Properly Plug & Restore Abandoned Gas Well Sites Western Region, (Various 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 Environmental Conservation- Div. of Mineral Res., until 2:00 p.m. on Wednesday, October 19th 2022, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond) in the amount of \$150,000 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 value of \$6,000,000.

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

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

The substantial completion date for this project is 1095 days after the Agreement is approved by the Comptroller.

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.

No pre-bid site visits have been scheduled for this project and prospective bidders are not allowed to visit the project site or facility buildings and grounds to take measurements or examine existing conditions.

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 0% for MWBE participation, 0% for Minority-Owned Business Enterprises ("MBE") participation and 0% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

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

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

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

By OGS - Design & Construction Group

**PROPERLY PLUG/RESTORE
ABANDONED GAS WELL SITES
Finger Lakes and Central NY Region
Various Counties**

Sealed bids for Project No. 47414-C, comprising a contract for Construction Work, Properly Plug and Restore Abandoned Gas Well Sites Finger Lakes and Central NY Region, (Various 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 Environmental Conservation- Div. of Mineral Res., until 2:00 p.m. on Wednesday, October 19th 2022, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$150,000) 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 value of \$6,000,000.

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

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

The substantial completion date for this project is 1095 days after the Agreement is approved by the Comptroller.

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.

No pre-bid site visits have been scheduled for this project and prospective bidders are not allowed to visit the project site or facility buildings and grounds to take measurements or examine existing conditions.

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 0% for MWBE participation, 0% for Minority-Owned Business Enterprises ("MBE") participation and 0% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

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

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

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By OGS - Design & Construction Group

**PROPERLY PLUG/RESTORE
ABANDONED GAS WELL SITES
Southern Tier Region, Various Counties**

Sealed bids for Project No. 47415-C, comprising a contract for Construction Work, Properly Plug & Restore Abandoned Gas Well Sites Southern Tier Region, (Various 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 Environmental Conservation- Div. of Mineral Res., until 2:00 p.m. on Wednesday, October 19th 2022 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$150,000 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 value of \$6,000,000.

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By OGS - Design & Construction Group

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

PUBLIC NOTICE

Department of Health

IMD Transformation Demonstration Program

In compliance with 42 CFR 431.408(a)(1), the New York State Department of Health is pleased to announce that it will conduct two virtual public hearings, to provide an overview of the State's proposed 1115 waiver amendment request, IMD Transformation Demonstration Program, during which the public may provide oral comments. This notice further serves to open the 30-day public comment period which will close on November 4, 2022. During this 30-day comment period, the public will be afforded the opportunity to provide written comments. Any updates related to the public hearings will be sent via the New York State Office of Mental Health and the Office of Addiction Services and Supports listservs.

New York State (NYS) is requesting approval from the Centers for Medicare and Medicaid Services (CMS) for an amendment to its Medicaid Redesign 1115 Demonstration to authorize federal Medicaid matching funds for reimbursement to Institutions for Mental Diseases (IMD) for inpatient, residential, and other services provided to Medicaid enrolled individuals with behavioral health diagnoses including serious mental illness (SMI), serious emotional disturbance (SED), and substance use disorder (SUD). This demonstration will allow the state to promote improved access to community-based behavioral health services and aid in the state's efforts to continue to transform the behavioral health service system.

As a continuation of the transition of Medicaid Behavioral Health Services from primarily fee-for-service to a managed care environment this demonstration will: transform the role of some state psychiatric inpatient facilities and substance use disorder residential treatment facilities; improve care transitions and access to community-based treatment and support services; and improve health and behavioral health outcomes in individuals with chronic and/or serious mental illnesses by transforming some selected (pilot site) state-run psychiatric hospitals, facilities, and campuses from long-term care institutions to community-based enhanced service delivery systems.

The IMD demonstration project will include the use of crisis services, respite, step down and short-term residential services, intensive community support services, crisis diversion centers, coordinated specialty care for first episode psychosis, a full continuum of care for individuals with substance use disorder, and integrated community participation with a time-limited inpatient service capacity focused on expert intermediate care treatment.

The primary goals will be transformation with a focus on:

- Reduction of inpatient and transitional residential lengths of stays.
- Community integration and maintenance with a focus on recovery.
- Overall reduced costs of care.

The waiver eligible cohort will include individuals from all State-operated adult, non-forensic facilities or residing in residential addiction treatment programs, discharged within 30 days on average. Principles, interventions, techniques, and tools, as described throughout the proposal, offer the potential to impact length of stay for adults age 21 and older.

New York State aspires to grow the waiver population during the waiver period. As inpatient assessment, stabilization, and treatment are optimized, NYS will be able to increase the total number of individuals discharged within 30 days or less.

NYS plans to make system changes allowing for waiver-eligible patients to remain covered by Medicaid during their inpatient stay, preventing coverage gaps. Also as part of this demonstration, NYS is requesting authorization of Medicaid coverage for a targeted set of in-reach services up to 30 days prior to discharge including care management, clinical consultations, peer services, and pharmaceutical management. These in-reach services would be made available to individuals who do not fall into the 30-day average length of stay cohort outlined in this waiver.

The two virtual public hearing/public forum meetings will be held on the following dates:

October 26th and 31st.

The full public notice and draft of the proposed IMD Transformation Demonstration amendment request is available for review under the "MRT 1115 Waiver Amendments" tab at: https://www.health.ny.gov/health_care/medicaid/redesign/medicaid_waiver_1115.htm. For individuals with limited online access and require special accommodation to access paper copies, please call 518-473-5569.

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

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

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

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

PUBLIC NOTICE

Department of Health

IMD Transformation Demonstration Program

In compliance with 42 CFR 431.408(a)(1), this notice serves to open the 30-day public comment period which will close on November 4, 2022. In addition to this 30-day comment period where the public will be afforded the opportunity to provide written comments, the Department of Health will be hosting two virtual public hearings on October 26th and 31st, 2022, during which the public may provide oral comments. Any updates related to the public hearings will be sent via the New York State Office of Mental Health and the Office of Addiction Services and Supports listservs.

The two virtual public hearings will be held as follows:

1. First Public Hearing

a. Wednesday October 26, 2022, 3:30 pm – 5:00 pm

b. Pre-registration is required for anyone wishing to attend the hearing using this link: <https://meetny-events.webex.com/meetny-events/j.php?RGID=ra4ca24a1a9e2e60ef935eb4172291e33>. Individuals who wish to provide oral comment will need to respond “yes” to the question in the Webinar registration.

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

d. All registrants will receive an automated email confirmation of their registration. Those registered to speak will receive an additional confirmation one week prior to the event.

2. Second Public Hearing

a. Monday October 31, 2022, 11:00 pm – 12:30 pm

b. Pre-registration is required for anyone wishing to attend the hearing using this link: <https://meetny-events.webex.com/meetny-events/j.php?RGID=r6a567861b36b3235b79c08dbce775a52>. Individuals who wish to provide oral comment will need to respond “yes” to the question in the Webinar registration.

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

d. All registrants will receive an automated email confirmation of their registration. Those registered to speak will receive an additional confirmation one week prior to the event.

Prior to finalizing the proposed IMD Transformation Demonstration Program application, the Department of Health will consider all written and verbal comments received. These comments will be summarized and addressed in the final version that is submitted to CMS.

Amendment Proposal Summary and Objectives

New York State (NYS) is requesting approval from the Centers for Medicare and Medicaid Services (CMS) for an amendment to its Medicaid Redesign 1115 Demonstration to authorize federal Medicaid matching funds for reimbursement to Institutions for Mental Diseases (IMD) for inpatient, residential, and other services provided to Medicaid enrolled individuals with behavioral health diagnoses including serious mental illness (SMI), serious emotional disturbance (SED), and substance use disorder (SUD). This demonstration will allow the state to promote improved access to community-based behavioral health services and aid in the state's efforts to continue to transform the behavioral health service system.

As a continuation of the transition of Medicaid Behavioral Health Services from primarily fee-for-service to a managed care environment this demonstration will: transform the role of some state psychiatric inpatient facilities and substance use disorder residential treatment facilities; improve care transitions and access to community-based treatment and support services; and improve health and behavioral health outcomes in individuals with chronic and/or serious mental illnesses by transforming some selected (pilot site) state-run psychiatric hospitals, facilities, and campuses from long-term care institutions to community-based enhanced service delivery systems. The IMD demonstration project will include the use of crisis services, respite, step down and short-term residential services, intensive community support services, crisis diversion centers, coordinated specialty

care for first episode psychosis, a full continuum of care for individuals with substance use disorder, and integrated community participation with a time-limited inpatient service capacity focused on expert intermediate care treatment.

The primary goals will be transformation with a focus on:

- Reduction of inpatient and transitional residential lengths of stays.
- Community integration and maintenance with a focus on recovery.
- Overall reduced costs of care.

Also, as part of this demonstration, NYS is requesting authorization of Medicaid coverage for a targeted set of in-reach services up to 30 days prior to discharge including care management, clinical consultations, peer services, and pharmaceutical management. These in-reach services would be made available to individuals who do not fall into the 30-day average length of stay cohort outlined in this waiver.

Eligibility, Benefits, and Cost-Sharing Changes

Eligibility

Medicaid eligibility requirements will not differ from the approved Medicaid State Plan.

Cost-Sharing

Cost sharing requirements under the Demonstration will not differ from the approved Medicaid State Plan.

SMI Benefits

New York State will be retrospectively identifying eligible patients that will allow NYS to claim federal financial participation for inpatient psychiatric and other non-duplicative services provided while receiving inpatient services at State run psychiatric centers. It is expected that approximately 450 individuals between the ages of 21 and 64 will meet the criteria for waiver participation annually. Individuals will be excluded from the cohort in the event they are forensically involved or have been identified clinically as “long stay” members.

NYS plans to make system changes allowing for waiver-eligible patients to remain covered by Medicaid during their inpatient stay, preventing coverage gaps.

SUD Benefits

The Demonstration will permit Medicaid recipients in New York with SUD to receive high-quality, clinically-appropriate Medicaid State Plan-approved SUD treatment services in outpatient and community-based settings, as well as in residential and inpatient treatment settings that qualify as an IMD.

Enrollment and Fiscal Projections

Enrollment

Waiver demonstration eligibility will be determined by highly skilled clinicians familiar with the community and its available resources and will include individuals discharged from all State-operated adult, non-forensic facilities or residing in residential addiction treatment programs, discharged within 30 days on average.

Fiscal

The total cost of this amendment is estimated to be \$268.37 million over five years, an average \$53.67 million increase to the annual demonstration cost of \$40 billion. The total estimated enrollment for this demonstration is estimated to be an increase of 6,146 (in year five) over the current average annual enrollment of 4.8 million.

Hypotheses and Evaluation

New York will conduct a multi-method, comprehensive statewide evaluation using an independent evaluator to document the impact of the IMD Waiver on health care service delivery, quality, health outcomes, and cost effectiveness. In addition, program components that posed particular successes or challenges for implementation and outcomes for this population will also be examined.

SMI Evaluation

NYS will evaluate this IMD Waiver amendment in alignment with all CMS requirements. An evaluation design will be developed to test the hypotheses identified below and will include the methodology, measures, and data sources to support the expected impact of the amendment. Additionally, it is expected that the current evaluation plan will be folded into the current approved 1115 Waiver evaluation design.

GOAL 1: Improving Access to Health Care for the Medicaid population

Hypotheses	Example Measures (Not Final)	Data Sources
Goal 1a: Improve access to specialized inpatient mental health services, reduce utilization and lengths of stay in EDs among IMD Waiver eligible adults		
Admissions for IMD Medicaid beneficiaries to State Psychiatric Inpatient IMD Units will increase over time	Monthly IMD admission numbers and proportions	MHARS (State Psychiatric EHR) Medicaid Claims
Lengths of stay for IMD eligible Medicaid beneficiaries admitted to IMD Psychiatric Hospitals will decrease over time	Average Length of Stay	MHARS (State Psychiatric EHR)
Psychiatric ED visits will decrease for individuals admitted to an IMD psychiatric hospital	Average psychiatric ED visits in year following IMD discharge	Medicaid Claims
Goal 1b: Increase availability of Crisis Stabilization Centers		
Utilization of crisis stabilization centers will increase as the number of crisis service providers increase	Utilization of crisis services over time Number of crisis programs	Medicaid Claims CONCERTS (OMH Licensing database)
Goal 1c: Improve access to community based and integrated primary and behavioral health care services		
Individuals discharged from an IMD psychiatric hospital will be more likely to access specialty mental health services (e.g. ACT, PROS) than IMD-eligible individuals discharged from a non-IMD psychiatric bed	Proportion of individuals with specialty mental health services in the year following discharge	Medicaid Claims
Individuals discharged from an IMD psychiatric hospital will be more likely to access Home and Community Based Services (HCBS) than IMD-eligible individuals discharged from a non-IMD psychiatric bed	Proportion of individuals with HCBS services in the year following discharge	Medicaid Claims
Access to the targeted in-reach and person-centered community-based services will be available to all vulnerable groups, including tribal communities, cultural (racial/ethnic), and socio-economic disadvantaged communities	Proportion of individuals with access to the recovery hub and other targeted services, stratified by vulnerable groups	MHARS (State Psychiatric EHR)

GOAL 2: Improve Quality of Care

Hypotheses	Example Measures (Not Final)	Data Sources
Goal 2a: Improve Quality of care, and recovery in the community following episodes of acute psychiatric inpatient care		

Hypotheses	Example Measures (Not Final)	Data Sources
Individuals discharged from an IMD psychiatric hospital will be more likely to have higher rates of quality metrics for health monitoring and prevention than IMD-eligible individuals discharged from a non-IMD psychiatric bed	State run HEDIS Measures, including multiple health and behavioral health measures	Medicaid Claims
Goal 2b: Reduce preventable readmissions to acute care hospitals among individuals discharged from IMD units		
Individuals discharged from an IMD psychiatric hospital will be less likely than individuals with an inpatient stay at a non-IMD psychiatric hospital in the same period of observation	Potentially Preventable Psychiatric Hospital Readmission rate – State run 3M measure	Medicaid Claims

SUD Evaluation

The demonstration will evaluate whether the New York Medicaid SUD treatment system is more effective through a provision of a complete coordinated continuum of care using LOCADTR placement criteria and standards, including SUD residential treatment services. The delivery system reforms are particularly important to address the needs of the Medicaid expansion population, which has historically been underserved.

GOAL 1: Improve quality of care and population health outcomes for Medicaid enrollees with SUD

Hypotheses	Example Measures (Not Final)	Data Sources
The Demonstration will decrease hospital admissions among Medicaid enrollees with at least one SUD treatment visit.	Annual inpatient stays year over year	Medicaid Data Warehouse
Enrollees who receive residential SUD services will have lower hospital readmission rates compared to a matched cohort of members who did not receive residential SUD services.	Monthly readmissions year over year	Medicaid Data Warehouse
Enrollees with a crisis visit for SUD will have improved rates of initiation and engagement of alcohol and other drug use treatment (IET)	IET measure HEDIS	Medicaid Data Warehouse
Enrollees will have fewer opioid-related overdose deaths.	Year over year opioid deaths	DOH overdose database

GOAL 2: Increase enrollee access to and use of appropriate SUD treatment services based on LOCADTR criteria

Hypotheses	Example Measures (Not Final)	Data Sources
The Demonstration will increase the supply of the critical LOCs for Medicaid enrollees.	Number of admissions to OASAS residential levels of care year over year	Medicaid Data Warehouse
The Demonstration will increase the use of residential and MAT for Opioid and alcohol for Medicaid enrollees.	Number of prescriptions for opioid and alcohol medications to individuals who have a Medicaid claim to residential services year over year	Medicaid Data Warehouse
Fewer overrides for services not available and clinical justification for residential services	Year over year overrides	LOCADTR

GOAL 3: Improve care coordination and care transitions for Medicaid enrollees with SUD

Hypotheses	Example Measures (Not Final)	Data Sources
The Demonstration will increase the rate of Medicaid enrollees with SUD-related conditions who are also receiving primary/ambulatory care.	The number of monthly primary/ambulatory care claims per enrollee with SUD-related conditions	Medicaid Data Warehouse
The Demonstration will improve follow-up after discharge from ED	HEDIS Follow-up ED visit	Medicaid Data Warehouse
Enrollees with SUD will have increased treatment engagement as measured by treatment duration (CET)	QARR Continued Engagement to Treatment measure.	Medicaid Data Warehouse
Medicaid IMD providers will demonstrate consistency in program design and discharge planning policies.	Review of IMD program and discharge policies and procedures	OASAS Site Review
Increase Number of Medicaid enrollees with SUD who are enrolled in Health Home	Year over year	Medicaid Data Warehouse

GOAL 4: Maintain or reduce Medicaid cost of individuals with SUD

Hypotheses	Example Measures (Not Final)	Data Sources
The Demonstration will be budget neutral to the Federal government.	Annual total cost of care for individuals with SUD	Medicaid Data Warehouse

Hypotheses	Example Measures (Not Final)	Data Sources
Total Medicaid SUD spending during the measurement period will remain constant after adjustment for the new residential services and any other new SUD treatment services including care coordination developed under this Demonstration.	Medicaid SUD-related claims	Medicaid Data Warehouse
Total Medicaid SUD spending on residential treatment within IMDs during the measurement period will remain constant after adjustment for the new residential services and any other new SUD treatment services including care coordination developed under this Demonstration.	Medicaid IMD residential treatment claims	Medicaid Data Warehouse

Costs by source of care for individuals with SUD incurring high Medicaid expenses during the measurement period will remain constant after adjustment for the new residential services and any other new SUD treatment services including care coordination developed under this Demonstration.	Medicaid claims by source of care	Medicaid Data Warehouse
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Waiver and Expenditure Authorities

Waiver Authority

There are no waiver authorities expected to be needed for this amendment.

Expenditure Authority

New York is requesting expenditure authority under Section 1115 to claim as medical assistance the following services that are not otherwise coverable under Medicaid:

Residential and Inpatient Treatment for Individuals with Substance Use Disorder (SUD), Serious Mental Illness (SMI), or Severe Emotional Disturbance (SED). Expenditures for otherwise covered Medicaid services furnished to otherwise eligible individuals who are primarily receiving treatment and withdrawal management services for substance use disorder (SUD) or a serious mental illness (SMI) or severe emotional disturbance (SED) who are short-term residents in facilities that meet the definition of an institution for mental diseases (IMD).

Submission and Review of Public Comments

The full public notice and draft of the proposed IMD Transformation Demonstration amendment request is available for review under the "MRT 1115 Waiver Amendments" tab at: https://www.health.ny.gov/health_care/medicaid/redesign/medicaid_waiver_1115.htm. For individuals with limited online access and require special accommodation to access paper copies, please call 518-473-5569.

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

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

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

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

PUBLIC NOTICE

Department of State
Notice of Review of Request for
Brownfield Opportunity Area
Conformance Determination
Project: 31 Tonawanda Street LLC
Location: Tonawanda Street Corridor
Brownfield Opportunity Area in City of Buffalo

In accordance with General Municipal Law, Article 18 - C, Section 970-r, the Secretary of State designated the Tonawanda Street Corridor Brownfield Opportunity Area, in the City of Buffalo, on November 27, 2017. The designation of the Tonawanda Street Corridor Brownfield Opportunity Area was supported by a Nomination or a comprehensive planning tool that identifies strategies to revitalize the area which is affected by one or more known or suspected brownfield sites.

Pursuant to New York State Tax Law, Article 1, Section 21, the eligible taxpayer(s) of a project site located in a designated Brownfield Opportunity Area may apply for an increase in the allowable tangible property tax credit component of the brownfield redevelopment tax credit if the Secretary of State determines that the project conforms to the goals and priorities established in the Nomination for a designated Brownfield Opportunity Area.

On August 22, 2022, 31 Tonawanda Street LLC submitted a request for the Secretary of State to determine whether the 31 Tonawanda Street LLC project, which will be located within the designated Tonawanda Street Corridor Brownfield Opportunity Area, conforms to the goals and priorities identified in the Nomination that was prepared for the designated Tonawanda Street Corridor Brownfield Opportunity Area.

The public is permitted and encouraged to review and provide comments on the request for conformance. For this purpose, the full application for a conformance determination is available online at: <https://dos.ny.gov/2202-31-tonawanda-street-boa-conformance>

Comments must be submitted no later than November 4, 2022, either by mail to: Benjamin Bidell, Department of State, Office of Planning and Development, 295 Main St., Suite 821, Buffalo, NY 14203, or benjamin.bidell@dos.ny.gov

PUBLIC NOTICE

Department of State
Notice of Review of Request for
Brownfield Opportunity Area
Conformance Determination
Project: 211 Main Street Redevelopment
Location: City of North Tonawanda
Brownfield Opportunity Area in City of North Tonawanda

In accordance with General Municipal Law, Article 18 - C, Section 970-r, the Secretary of State designated the City of North Tonawanda Brownfield Opportunity Area, in the City of North Tonawanda, on April 9, 2015. The designation of the City of North Tonawanda Brownfield Opportunity Area was supported by a Nomination or a comprehensive planning tool that identifies strategies to revitalize the area which is affected by one or more known or suspected brownfield sites.

Pursuant to New York State Tax Law, Article 1, Section 21, the eligible taxpayer(s) of a project site located in a designated Brownfield Opportunity Area may apply for an increase in the allowable tangible

property tax credit component of the brownfield redevelopment tax credit if the Secretary of State determines that the project conforms to the goals and priorities established in the Nomination for a designated Brownfield Opportunity Area.

On September 6, 2022, Enterprise Lumber & Silo, LLC submitted a request for the Secretary of State to determine whether the 211 Main Street Redevelopment project, which will be located within the designated City of North Tonawanda Brownfield Opportunity Area, conforms to the goals and priorities identified in the Nomination that was prepared for the designated City of North Tonawanda Brownfield Opportunity Area.

The public is permitted and encouraged to review and provide comments on the request for conformance. For this purpose, the full application for a conformance determination is available online at: <https://dos.ny.gov/2204-211-main-street-redevelopment-boa-conformance>

Comments must be submitted no later than November 4, 2022, either by mail to: Benjamin Bidell, Department of State, Office of Planning and Development, 295 Main St., Suite 821, Buffalo, NY 14203, or benjamin.bidell@dos.ny.gov

PUBLIC NOTICE

Department of State
Notice of Review of Request for
Brownfield Opportunity Area
Conformance Determination
Project: 1360 Niagara Street
Location: Tonawanda Street Corridor
Brownfield Opportunity Area in City of Buffalo

In accordance with General Municipal Law, Article 18 - C, Section 970-r, the Secretary of State designated the Tonawanda Street Corridor Brownfield Opportunity Area, in the City of Buffalo, on November 27, 2017. The designation of the Tonawanda Street Corridor Brownfield Opportunity Area was supported by a Nomination or a comprehensive planning tool that identifies strategies to revitalize the area which is affected by one or more known or suspected brownfield sites.

Pursuant to New York State Tax Law, Article 1, Section 21, the eligible taxpayer(s) of a project site located in a designated Brownfield Opportunity Area may apply for an increase in the allowable tangible property tax credit component of the brownfield redevelopment tax credit if the Secretary of State determines that the project conforms to the goals and priorities established in the Nomination for a designated Brownfield Opportunity Area.

On July 20, 2022, Ciminelli Real Estate Corporation submitted a request for the Secretary of State to determine whether the 1360 Niagara Street project, which will be located within the designated Tonawanda Street Corridor Brownfield Opportunity Area, conforms to the goals and priorities identified in the Nomination that was prepared for the designated Tonawanda Street Corridor Brownfield Opportunity Area.

The public is permitted and encouraged to review and provide comments on the request for conformance. For this purpose, the full application for a conformance determination is available online at: <https://dos.ny.gov/mentholatum-boa-conformance-application>

Comments must be submitted no later than November 4, 2022, either by mail to: Benjamin Bidell, Department of State, Office of Planning and Development, 295 Main St., Suite 821, Buffalo, NY 14203, or benjamin.bidell@dos.ny.gov

PUBLIC NOTICE

Department of State
 Notice of Review of Request for
 Brownfield Opportunity Area
 Conformance Determination

Project: Sucro Real Estate NY, LLC

Location: City of Lackawanna First Ward
 Brownfield Opportunity Area in City of Lackawanna

In accordance with General Municipal Law, Article 18 - C, Section 970-r, the Secretary of State designated the City of Lackawanna First Ward Brownfield Opportunity Area, in the City of Lackawanna, on July 25, 2019. The designation of the City of Lackawanna First Ward Brownfield Opportunity Area was supported by a Nomination or a comprehensive planning tool that identifies strategies to revitalize the area which is affected by one or more known or suspected brownfield sites.

Pursuant to New York State Tax Law, Article 1, Section 21, the eligible taxpayer(s) of a project site located in a designated Brownfield Opportunity Area may apply for an increase in the allowable tangible property tax credit component of the brownfield redevelopment tax credit if the Secretary of State determines that the project conforms to the goals and priorities established in the Nomination for a designated Brownfield Opportunity Area.

On August 30, 2022, Sucro Real Estate NY, LLC submitted a request for the Secretary of State to determine whether the Sucro Real Estate NY, LLC project, which will be located within the designated City of Lackawanna First Ward Brownfield Opportunity Area, conforms to the goals and priorities identified in the Nomination that was prepared for the designated City of Lackawanna First Ward Brownfield Opportunity Area.

The public is permitted and encouraged to review and provide comments on the request for conformance. For this purpose, the full application for a conformance determination is available online at: <https://dos.ny.gov/boa-conformance-sucro-real-estate-ny-llc>

Comments must be submitted no later than November 4, 2022, either by mail to: Benjamin Bidell, Department of State, Office of Planning and Development, 295 Main St., Suite 821, Buffalo, NY 14203, or benjamin.bidell@dos.ny.gov

PUBLIC NOTICE

Department of State
 Uniform Code Variance/Appeal Petitions

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

2022-0509 Matter of Nassau Expeditors Inc., Scott Tirone, 75 Albertson Avenue, Albertson, NY 11507, for a variance concerning safety requirements, including height under a projection and toilet fixture clearances. Involved is an existing dwelling located at 27 Kingston Street, New Hyde Park, Town of N. Hempstead, NY 11040, County of Nassau, State of New York.

2022-0512 Matter of Diversified Design Associates, Architects P.C., Stephen Scheibly, 255 Main Street, Suite 200, Huntington, NY 11743, for a variance concerning safety requirements, including height under a projection. Involved is an existing dwelling located at 65A Beverly Road, Great Neck, Village of Kensington, NY 11021, County of Nassau, State of New York.

PUBLIC NOTICE

Department of State
 Uniform Code Variance/Appeal Petitions

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

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

2022-0514 In the matter of Somer White, 109 McIntyre Place, Ithaca, New York 14850 for a variance concerning handrail violations located at 418 East Seneca Street, City of Ithaca, County of Tompkins, State of New York.

PUBLIC NOTICE

Susquehanna River Basin Commission

SUMMARY: As part of its regular business meeting held on September 15, 2022, Baltimore, Maryland, the Commission approved the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information below.

DATES: September 15, 2022.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary, telephone: (717) 238-0423, ext. 1312, fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address. See also Commission website at www.srbc.net.

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above these actions were also taken: (1) adoption of a revised Civil Penalty Matrix and a revised Policy and Guidance Statement for the Settlement of Civil Penalties/Enforcement Actions; (2) adoption of the Commission's Fiscal Year 2024 Budget; (3) adoption of member jurisdictions allocation for FY2024; (4) and approval of contracts, grants and agreements.

Project Applications Approved:

1. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Monroe Manor System, Monroe Township, Snyder County, Pa. Application for groundwater withdrawal of up to 0.482 mgd (30-day average) from Well 8.

2. Project Sponsor: Brunner Island, LLC. Project Facility: Brunner Island Steam Electric Station (Susquehanna River), East Manchester Township, York County, Pa. Applications for renewal of surface water withdrawal of up to 835.000 mgd (peak day) and consumptive use of up to 23.100 mgd (peak day) (Docket No. 20070908).

3. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Chemung River), Athens Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20170902).

4. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Sugar Creek), Burlington Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20170903).

5. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Towanda Creek), Leroy Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20170905).

6. Project Sponsor and Facility: Coterra Energy Inc. (Meshoppen Creek), Springville Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20170901).

7. Project Sponsor and Facility: Edgewood by Sand Springs, LLC, Butler Township, Luzerne County, Pa. Modification to extend the approval term of the surface water withdrawal and consumptive use approval (Docket No. 19980102) by 2 years to allow the project to complete planning and permitting to redevelop the property and cease golf course operations.

8. Project Sponsor: Lancaster County Solid Waste Management Authority. Project Facility: Frey Farm and Creswell Landfills, Manor Township, Lancaster County, Pa. Modification to increase consump-

tive use (peak day) by an additional 0.030 mgd, for a total consumptive use of up to 0.095 mgd, addition of approved sources of water for consumptive use, and General Permit GP-01 Notice of Intent for groundwater remediation (Docket No. 20061208).

9. Project Sponsor: Maplemoor, Inc. Project Facility: Huntsville Golf Club, Lehman Township, Luzerne County, Pa. Application for renewal of consumptive use of up to 0.499 mgd (30-day average) (Docket No. 19920909).

10. Project Sponsor and Facility: Pennsylvania Grain Processing LLC (West Branch Susquehanna River), Clearfield Borough, Clearfield County, Pa. Applications for renewal of surface water withdrawal of up to 2.505 mgd (peak day) and for consumptive use of up to 2.000 mgd (peak day) (Docket No. 20070904).

11. Project Sponsor and Facility: Seneca Resources Company, LLC (Elk Run), Sullivan Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.646 mgd (peak day) (Docket No. 20170909).

12. Project Sponsor and Facility: Shrewsbury Borough, Shrewsbury Township and Shrewsbury Borough, York County, Pa. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.099 mgd from the Meadow Well and 0.180 mgd from the Village Well (Docket Nos. 19890501 and 19900105).

13. Project Sponsor and Facility: South Middleton Township Municipal Authority, Monroe Township, Cumberland County, Pa. Application for renewal of groundwater withdrawal with increase from 0.624 mgd to up to 0.936 mgd (30-day average) from Well 3 (Docket No. 19880404).

14. Project Sponsor and Facility: Susquehanna Gas Field Services, LLC (Meshoppen Creek), Meshoppen Borough, Wyoming County, Pa. Application for renewal of surface water withdrawal of up to 0.145 mgd (peak day) (Docket No. 20170908).

15. Project Sponsor and Facility: SWN Production Company, LLC (Wyalusing Creek), Wyalusing Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20170910).

16. Project Sponsor and Facility: Town of Conklin, Broome County, N.Y. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.350 mgd from Well 5 and up to 0.350 mgd from Well 6 (Docket Nos. 20070601 and 20031001, respectively).

17. Project Sponsor: Town of Oneonta. Project Facility: Southside Water System, Town of Oneonta, Otsego County, N.Y. Applications for groundwater withdrawals (30-day averages) of up to 0.720 mgd from Well PW-1 and up to 0.720 mgd from Well PW 2.

18. Project Sponsor and Facility: Village of Horseheads, Town of Horseheads, Chemung County, N.Y. Application for renewal of groundwater withdrawal of up to 1.440 mgd (30-day average) from Well 5 (Docket No. 19870302).

Projects Tabled:

19. Project Sponsor and Facility: Dover Township, York County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.360 mgd from Well 8 and up to 0.088 mgd from Well 10 (Docket No. 19911104)

20. Project Sponsor: Pine Grove Borough. Project Facility: Pine Grove Borough Water System, Tremont Township, Schuylkill County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.499 mgd from Well 16 and up to 0.097 mgd from Well 17.

Authority: Public Law 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806, 807, and 808.

Dated: September 19, 2022

Jason E. Oyler

General Counsel and Secretary to the Commission

PUBLIC NOTICE

County of Westchester, New York

Contract No.: EF-2208

Transfer Station and Material Recovery
Facility Operation and Maintenance

Pursuant to General Municipal Law Section 120-w, Notice of Issuance is hereby given that on October 3, 2022, the County of

Westchester Department of Environmental Facilities on behalf of Refuse Disposal District #1, will release a Request for Proposals (RFP) for Transfer Station and Material Recovery Facility Operations and Maintenance. The RFP will be filed with the Westchester County Clerk, 110 Dr. Martin Luther King, Jr., White Plains, NY 10601, and at the Department of Environmental Facilities, 270 North Avenue, 6th Floor, New Rochelle, NY 10801, the White Plains Public Library, 100 Martine Ave, White Plains, NY 10601, the New Rochelle Public Library, 1 Library Plaza, New Rochelle, NY 10801, and will also be available via email request to DEF-2208@westchestergov.com

Please take notice of the following Milestone dates related to the RFP:

A. Milestone Event	Date
Issue Draft Request For Proposals (DRFP) and Begin Comment Period	Wednesday, July 20, 2022
Mandatory Comment Conference for Proposers	Wednesday, August 3, 2022, 11 a.m. at Glen Island Park, Pavilion 2, New Rochelle, NY
Close Comment Period	Monday, September 19, 2022, 3 p.m.
Issue Final Request For Proposals (FRFP or RFP)	Monday, October 3, 2022
Proposal Due Date	Wednesday, November 2, 2022, 3 p.m.
Contractor begins mobilization and other necessary preparations	Estimated: February 13, 2023
Contractor begins operation	Estimated: February 28, 2023

Interested proposers should review the document and comply with all required dates above. The full set of authorized Proposal Pages and proposals must be accompanied by the "Proposal Bond and Consent of Surety" (as set forth in the RFP) attached to the outside of the sealed proposal. Failure to submit in this manner may cause the proposal to be rejected. The successful proposer, no matter the amount of its proposal, will be required to furnish a Performance and Payment Bond in the amount of seven and one-half million dollars (\$7,500,000) with its signed contract.

The County of Westchester and the Refuse Disposal District #1 reserve the right to waive any informalities in the proposals, or to reject any or all proposals. No proposer may withdraw its proposal within forty-five (45) days after the due date for proposals.

Pursuant to Chapter 308 of the Laws of the County of Westchester, it is the goal of the County to use its best efforts to encourage, promote, and increase the participation of business enterprises owned and controlled by persons of color or women - Minority Business Enterprise (MBE) and Women Business Enterprise (WBE).

County Of Westchester, New York

Department of Environmental Facilities

By: Vincent F. Kopicki, P.E., Commissioner

EXECUTIVE ORDERS

Executive Order No. 21: Declaring a Disaster in the State of New York.

WHEREAS, a case of paralytic polio was identified on July 21, 2022, in an unvaccinated resident of Rockland County who had no international travel during the incubation period for polio;

WHEREAS, the poliovirus that infected the Rockland County individual has been identified as a case of vaccine-derived poliovirus, the last of which was identified in New York in 1990;

WHEREAS, genetically related polioviruses have been detected in wastewater samples collected in Orange, Rockland, and Sullivan counties in April, May, June, July, and August 2022;

WHEREAS, polio was declared eliminated in the United States in 1979, primarily due to high vaccination rates against polio;

WHEREAS, routine vaccination rates against polio across all ages have decreased throughout the COVID-19 pandemic and vaccine hesitancy has increased;

WHEREAS, vaccination rates against polio among 2-year old children in New York is 78.96%, and is significantly less than that in several counties and zip codes;

WHEREAS, local health departments are actively responding to the poliovirus outbreak through investigation support, contact identification and monitoring, vaccine administration for exposed contacts and focused current high-risk populations, and education and outreach;

WHEREAS, the State government must support the municipalities, localities, and counties in their efforts to facilitate and administer vaccinations and tests for poliovirus, and to prevent the disease from continuing to spread;

NOW, THEREFORE, I, Kathy Hochul, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, hereby find, pursuant to Section 28 of Article 2-B of the Executive Law, that a disaster has occurred in New York State, for which the affected local governments are unable to respond adequately, and I do hereby declare a State disaster emergency for the entire State of New York through October 9, 2022; and

IN ADDITION, pursuant to Section 29 of Article 2-B of the Executive Law, I direct the implementation of the State Comprehensive Emergency Management Plan and authorize all necessary State agencies to take appropriate action to assist local governments and individuals in containing, preparing for, responding to and recovering from this State disaster emergency, to protect state and local property, and to provide such other assistance as is necessary to protect public health, welfare, and safety.

FURTHER, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify for the period from the date of this Executive Order through October 9, 2022 the following:

- Subdivisions 6 and 7 of section 3001 of the Public Health Law, subdivisions (o) and (p) of section 800.3, and section 800.15 of Title 10 of the NYCRR, to the extent necessary to allow certi-

fied emergency medical technicians-paramedics and advanced EMS providers, providing community paramedicine services with prior approval of the Department of Health, to administer vaccinations against poliovirus pursuant to a non-patient specific order, including in non-emergency environments and locations, provided that emergency medical technicians-paramedics and advanced EMS providers must first meet conditions set by the Commissioner of Health;

- Section 6951 of the Education Law, and section 79-5.5 of Title 8 of NYCRR, insofar as such provisions limit the practice of midwifery to management of normal pregnancies, child birth and postpartum care as well as primary preventive reproductive health care of essentially healthy women, and newborn evaluation, resuscitation and referral for infants, and insofar as it limits the practice of midwifery to midwives who practice in accordance with collaborative relationships with licensed physicians or hospitals, so that for the purposes of this disaster emergency, midwives may administer vaccinations against poliovirus to any patient pursuant to a non-patient specific order under the medical supervision of licensed physicians, licensed physician assistants, or certified nurse practitioners, provided, however, that a midwife without a certificate issued by the State Education Department for administering immunizing agents, must meet conditions set by the Commissioner of Health;
- Subdivision 2 of section 6801 of the Education Law and 63.9 of Title 8 of the NYCRR, to the extent necessary to allow pharmacists to administer vaccinations against poliovirus pursuant to a non-patient specific order;
- Subdivision 6 of section 6527 of the Education Law, subdivision 4 of section 6909 of the Public Health Law, and section 64.7 of Title 8 of the NYCRR, to the extent necessary to permit physicians and certified nurse practitioners to issue a non-patient specific regimen to nurses or any such other persons authorized by law or by this executive order to administer vaccinations against poliovirus; and
- Subdivision 3 of Section 2168 of the Public Health Law and Section 66-1.2 of Title 10 of the NYCRR, to the extent necessary to suspend the requirement that health care providers, including registered nurses, midwives, certified emergency medical technicians-paramedics, advanced EMS providers and pharmacists, who administer poliovirus vaccine to persons 19 years of age or older are required to obtain consent of the vaccinee in order to report such vaccination to the New York State Immunization Information System (NYSIIS) or the Citywide Immunization Registry (CIR), and such provisions are further modified to the extent necessary, to require all poliovirus vaccinations for any individual (child or adult) to be reported to NYSIIS or CIR, as applicable, within 72 hours of administration of a poliovirus vaccination. Nothing in this paragraph shall be read to permit the vaccination of any person without their consent or the consent of another person legally authorized to provide such consent.

(L.S.)

GIVEN under my hand and the Privy Seal of the State on this ninth day of September in the City of Albany in the year two thousand twenty-two.

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor

CONCURRENT RESOLUTIONS

Pursuant to the provisions of Section One of Article Nineteen of the Constitution of the State of New York, notice is hereby given that the following proposed amendments to the Constitution of the State of New York are referred to the Legislature to be chosen at the next general election to be held on the eighth day of November 2022. New matter added is bold and underscored. Bold and strikethrough matter in brackets is to be omitted.

PROPOSED AMENDMENT NUMBER ONE

Senate 8803

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 4 of article 8 of the constitution, in relation to limitations on local indebtedness

Section 1. Resolved (if the Assembly concur), That section 4 of article 8 of the constitution be amended to read as follows:

§ 4. Except as otherwise provided in this constitution, no county, city, town ~~{,} or~~ village ~~{or school district}~~ described in this section shall be allowed to contract indebtedness for any purpose or in any manner which, including existing indebtedness, shall exceed an amount equal to the following percentages of the average full valuation of taxable real estate of such county, city, town ~~{,} or~~ village ~~{or school district}~~:

- (a) the county of Nassau, for county purposes, ten per centum;
- (b) any county, other than the county of Nassau, for county purposes, seven per centum;
- (c) the city of New York, for city purposes, ten per centum;
- (d) any city, other than the city of New York, having one hundred twenty-five thousand or more inhabitants according to the latest federal census, for city purposes, nine per centum;
- (e) any city having less than one hundred twenty-five thousand inhabitants according to the latest federal census, for city purposes, ~~{excluding education purposes,}~~ seven per centum;
- (f) any town, for town purposes, seven per centum; and
- (g) any village for village purposes, seven per centum ~~{,} and~~
- ~~(h) any school district which is coterminous with or partly within or wholly within, a city having less than one hundred twenty-five thousand inhabitants according to the latest federal census, for education purposes, five per centum; provided, however, that such limitation may be increased in relation to indebtedness for specified objects or purposes with (1) the approving vote of sixty per centum or more of the duly qualified voters of such school district voting on a proposition therefor submitted at a general or special election; (2) the consent of The Regents of the University of the State of New York and (3) the consent of the state comptroller. The legislature shall prescribe by law the qualifications for voting at any such election}.~~

Except as otherwise provided in this constitution, any indebtedness contracted in excess of the respective limitations prescribed in this section shall be void.

~~{In ascertaining the power of any city having less than one hundred twenty-five thousand inhabitants according to the latest federal census to contract indebtedness, indebtedness heretofore~~

~~contracted by such city for education purposes shall be excluded. Such indebtedness so excluded shall be included in ascertaining the power of a school district which is coterminous with, or partly within, or wholly within, such city to contract indebtedness. The legislature shall prescribe by law the manner by which the amount of such indebtedness shall be determined and allocated among such school districts. Such law may provide that such determinations and allocations shall be conclusive if made or approved by the state comptroller.~~

~~In ascertaining the power of a school district described in this section to contract indebtedness, certificates or other evidences of indebtedness described in paragraph A of section five of this article shall be excluded.}~~

The average full valuation of taxable real estate of any such county, city, town ~~{,} or~~ village ~~{or school district}~~ shall be determined in the manner prescribed in section ten of this article.

Nothing contained in this section shall be deemed to restrict the powers granted to the legislature by other provisions of this constitution to further restrict the powers of any county, city, town ~~{,} or~~ village ~~{or school district}~~ to contract indebtedness.

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be submitted to the people for approval at the general election to be held in the year 2023 in accordance with the provisions of the election law.

PROPOSED AMENDMENT NUMBER TWO

Senate 8931

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 5 of article 8 of the constitution, in relation to the exclusion of indebtedness contracted for sewage facilities

Section 1. Resolved (if the Assembly concur), That paragraph E of section 5 of article 8 of the constitution be amended to read as follows:

E. Indebtedness contracted on or after January first, nineteen hundred sixty-two and prior to January first, two thousand ~~{twenty-four}~~ thirty-four, for the construction or reconstruction of facilities for the conveyance, treatment and disposal of sewage. The legislature shall prescribe the method by which and the terms and conditions under which the amount of any such indebtedness to be excluded shall be determined, and no such indebtedness shall be excluded except in accordance with such determination.

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.

PROPOSED AMENDMENT
NUMBER THREEExtraordinary Session #2
Senate 51002

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 11 of article 1 of the constitution, in relation to equal protection

Section 1. Resolved (if the Assembly concur), That section 11 of article 1 of the constitution be amended to read as follows:

§ 11. **a.** No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, **ethnicity, national origin, age, disability,** creed ~~for~~, religion, **or sex, including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy,** be subjected to any discrimination in ~~his or her~~ **their** civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state, **pursuant to law.**

b. Nothing in this section shall invalidate or prevent the adoption of any law, regulation, program, or practice that is designed to prevent or dismantle discrimination on the basis of a characteristic listed in this section, nor shall any characteristic listed in this section be interpreted to interfere with, limit, or deny the civil rights of any person based upon any other characteristic identified in this section.

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.



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