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**NEW YORK STATE**

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**REGISTER**

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- Suspension of Certain Retirement System Rules During the State of Emergency Called by the Governor on March 17, 2020
- Emergency Relief for New Yorkers Who Can Demonstrate Financial Hardship as a Result of COVID-19
- New York State Uniform Fire Prevention and Building Code (the Uniform Code)

**Executive Orders**

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

***For notices published in this issue:***

- the 60-day period expires on June 7, 2020
- the 45-day period expires on May 23, 2020
- the 30-day period expires on May 8, 2020

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GOVERNOR**

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**NEW YORK STATE DEPARTMENT OF STATE**

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# NEW YORK STATE REGISTER

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## 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](http://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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Each paid subscription to the *New York State Register* includes one weekly issue for a full year and four "Quarterly Index" issues. The Quarterly is a cumulative list of actions that shows the status of every rule making action in progress or initiated within a calendar year.

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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](http://www.dos.ny.gov))

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# RULE MAKING ACTIVITIES

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

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

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

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## Department of Audit and Control

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### EMERGENCY RULE MAKING

#### Suspension of Certain Retirement System Rules During the State of Emergency Called by the Governor on March 17, 2020

**I.D. No.** AAC-14-20-00003-E

**Filing No.** 232

**Filing Date:** 2020-03-20

**Effective Date:** 2020-03-20

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

**Action taken:** Addition of Part 383 to Title 2 NYCRR.

**Statutory authority:** Retirement and Social Security Law, sections 11 and 311

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

**Specific reasons underlying the finding of necessity:** On March 7, 2020 the Governor of New York State declared a state of emergency due to the COVID-19 virus. An emergency adoption of this rule is necessary for the preservation of the general welfare of the members, retirees and beneficiaries of NYSLRS. In order to maintain operation of the retirement system during this state of emergency, it is necessary to authorize the suspension of certain administrative and operational requirements related to the retirement system including, but not limited to, the processing and determination of applications for any form of retirement or benefit, and the conduct and scheduling of administrative hearings.

**Subject:** Suspension of certain retirement system rules during the state of emergency called by the Governor on March 17, 2020.

**Purpose:** To suspend certain retirement system rules during the state of emergency called by the Governor on March 17, 2020.

**Text of emergency rule:** Add a new Part 383.

*Section 383.1 Addition or suspension of certain administrative and operational requirements during the COVID-19 state of emergency. On March 7, 2020 the Governor of New York State declared a state of emergency due to the COVID-19 virus. An immediate adoption of this rule is necessary for the preservation of the general welfare of the members, retirees and beneficiaries of NYSLRS. Effective immediately and notwithstanding any other law, rule or regulation to the contrary, the Comptroller may authorize the suspension of certain administrative and operational requirements related to the retirement system including, but not limited to, the processing and determination of applications for any form of retirement or benefit, participating employer reporting and the conduct and scheduling of administrative hearings. Such change in administrative and operational requirements will be effective for 90 days from the date of filing of this rule unless such emergency rule is readopted or rescinded prior to the expiration of such ninety day period.*

**This notice is intended** to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires June 17, 2020.

**Text of rule and any required statements and analyses may be obtained from:** Jamie Elacqua, Office of the State Comptroller, 110 State Street, Albany, NY 122236, (518) 473-4146, email: jelacqua@osc.ny.gov

#### Regulatory Impact Statement

1. Statutory authority. Sections 11 and 311 of the Retirement and Social Security Law authorize the Comptroller to promulgate rules and regulations related to the Retirement System.

2. Legislative objective. The legislative objective of the amendment to this Part is to maintain the ongoing and continued operation of the Retirement System through the use of the Comptroller's authority to promulgate regulations for the suspension of certain rules and regulations during a declared State of Emergency.

3. Needs and benefits. The purpose of, necessity for, and benefits derived from this Emergency Rule, are based upon the need to maintain the ongoing operations of the Retirement System during the state of emergency declared by the Governor.

4. Costs. There are no additional projected costs to implement this Emergency Rule.

5. Paperwork. There is no need for any additional reporting requirements, including forms and other paperwork, which would be required as a result of this Emergency Rule.

6. Local government mandates. No additional program, service, duty or responsibility will be imposed by this Emergency Rule upon any county, city, town, village, school district, fire district or other special district.

7. Duplication. This Emergency Rule is intended to supersede any other relevant rules and other legal requirements of the State of New York during the state of emergency declared by the Governor.

8. Alternative approaches. Significant alternatives to the Emergency Rule do not exist and were therefore not incorporated into this Emergency Rule.

9. Federal standards. This Emergency Rule does not exceed any minimum standards of the federal government for the same or similar subject areas.

10. Compliance schedule. The estimated period of time necessary for the Retirement System and the members, beneficiaries and retirees of the system to achieve compliance with this Emergency Rule is immediate.

#### Regulatory Flexibility Analysis

There will be no adverse economic impact of this Emergency Rule on small businesses and local governments. There will be no need to establish differing compliance or reporting requirements or timetables which would affect the resources available to small businesses and local governments.

**Rural Area Flexibility Analysis**

This Emergency Rule will have no adverse impact on rural areas nor will it adversely impact public and private sector interests in rural areas. The rule does not impose reporting, recordkeeping or other compliance requirements on public or private entities in rural areas.

**Job Impact Statement**

The Retirement System has determined that this Emergency Rule will not have a substantial adverse impact on jobs and employment opportunities nor or will the rule impact jobs and employment opportunities in any way.

## New York State Bridge Authority

### NOTICE OF ADOPTION

**A Proposal to Amend the NYS Bridge Authority Toll Schedule**

**I.D. No.** SBA-01-20-00004-A

**Filing No.** 229

**Filing Date:** 2020-03-20

**Effective Date:** 2020-05-01

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

**Action taken:** Amendment of sections 201.2 and 201.5 of Title 21 NYCRR.

**Statutory authority:** Public Authorities Law, sections 528(8) and 538

**Subject:** A proposal to amend the NYS Bridge Authority Toll Schedule.

**Purpose:** To amend toll schedule for vehicular bridges controlled by the NYS Bridge Authority in order to provide additional revenue.

**Text or summary was published** in the January 8, 2020 issue of the Register, I.D. No. SBA-01-20-00004-A.

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

**Text of rule and any required statements and analyses may be obtained from:** Brian Bushek, Treasurer and CFO, New York State Bridge Authority, Mid-Hudson Bridge Toll Plaza, 475 Rt. 44/55, Highland, NY 12528, (845) 691-7245, email: bbushek@nysba.ny.gov

**Revised Regulatory Impact Statement**

A revised regulatory impact statement 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.

**Revised Regulatory Flexibility Analysis**

A revised regulatory flexibility analysis 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.

**Revised Rural Area Flexibility Analysis**

A revised rural area flexibility analysis 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.

**Revised Job Impact Statement**

A revised job impact statement 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.

**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.

### NOTICE OF ADOPTION

**Toll Collection and Violations**

**I.D. No.** SBA-01-20-00005-A

**Filing No.** 230

**Filing Date:** 2020-03-20

**Effective Date:** 2020-05-01

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

**Action taken:** Amendment of section 201.1; addition of sections 201.7 and 201.8 to Title 21 NYCRR.

**Statutory authority:** Public Authorities Law, sections 528(8), (15) and 538  
**Subject:** Toll collection and violations.

**Purpose:** To amend toll collection procedures and implement toll violation enforcement on NYSBA bridges.

**Text or summary was published** in the January 8, 2020 issue of the Register, I.D. No. SBA-01-20-00005-A.

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

**Text of rule and any required statements and analyses may be obtained from:** Brian Bushek, Treasurer and CFO, New York State Bridge Authority, Mid-Hudson Toll Bridge Plaza, 475 Rt. 44/55, Highland, NY 12528, (845) 691-7245, email: bbushek@nysba.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 2023, which is no later than the 3rd year after the year in which this rule is being adopted.

**Assessment of Public Comment**

The Bridge Authority received twenty-seven (27) written comments and heard testimony from four (4) citizens at the public hearing. A transcript of the public hearing and copies of all written comments received are included in the Report of Public Hearing submitted to the Board of Commissioners of the NYS Bridge Authority (NYSBA).

**Comment:** One citizen asked that the Authority address congestion and backups during rush hours.

**Response:** The Authority's capital plan supported by the proposed amendments includes modifications to provide for conversion to all electronic tolling at all of its toll bridges within the next two years.

**Comment:** Two citizens urged the Authority to consider a new crossing at Hyde Park, State 299.

**Response:** The Authority's most recent traffic study indicates that Authority should expect low growth in the near term. The Authority is not proposing an additional crossing at this time.

**Comment:** Some citizens noted that they would support an increase if tolls are used to maintain the Authority's bridges.

**Response:** The Authority does not receive any taxpayer funds from the Federal or State government for the operation and maintenance of its facilities. Under current law all NYSBA tolls stay within the NYSBA bridge system.

**Comment:** Two citizens objected to increasing tolls. One stated that it would hurt the local economy. One stated that the volume of traffic should make the increase unnecessary.

**Response:** The Authority's recent traffic study indicates that, taking into account projected traffic, the proposed increase is needed to fund the long-term maintenance and safe operation of the bridges in support of the Authority's mission. It is more cost-effective to maintain the bridges than to allow them to deteriorate and necessitate replacement.

**Comment:** Four citizens supported the increase in tolls for the maintenance of the Authority's bridges.

**Response:** The comments support the Authority's proposal.

**Comment:** A number of the comments pertained to the proposed merger of the Authority into the NYS Thruway Authority contained in S7508, A9508, being a bill to Amend the Highway Law and the Transportation Law, and included as Part G of the Transportation, Economic Development and Environmental Conservation, Article VII of the NYS Budget Bill for 2021.

**Response:** Such comments pertain to proposed legislation and are not the subject of the public hearing.

**Comment:** One citizen requested that the Authority allow 24-hour access on bike and pedestrian paths.

**Response:** Access is permitted where feasible and consistent with safe operation of the bridges.

## State Board of Elections

### NOTICE OF ADOPTION

**Process for Early Voting**

**I.D. No.** SBE-22-19-00003-A

**Filing No.** 247

**Filing Date:** 2020-03-24

**Effective Date:** 2020-04-08

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



**Action taken:** Addition of Part 6211 to Title 9 NYCRR.

**Statutory authority:** Election Law, §§ 3-102(17) and 8-602

**Subject:** Process for Early Voting.

**Purpose:** Establishing Process for Early Voting.

**Text of final rule:** A new Part 6211 is added to read as follows:

**PART 6211 - Early Voting Regulations**

**6211.1 Early Voting Site Designations**

(a) **Deadline for Early Voting Site Designations.** By May first of each year, the board of elections shall designate early voting sites for the general election held in such year. Early voting sites for primaries and special elections shall be designated no later than forty-six days before such an election.

(b) **Minimum Number of Early Voting Sites**

(1) For a general election, the board of elections shall designate at least the number of early voting sites required by this Part, based on the number of registered voters in each county, including voters in active and inactive status as of February 21, as follows:

(i) If the number of voters in the county is less than 99,999, the county must have at least one early voting site.

(ii) If the number of voters in the county is equal to or more than 100,000 and less than or equal to 149,999, the county must have at least two early voting sites.

(iii) If the number of voters in the county is equal to or more than 150,000 and less than or equal to 199,999, the county must have at least three early voting sites.

(iv) If the number of voters in the county is equal to or more than 200,000 and less than or equal to 249,999, the county must have at least four early voting sites.

(v) If the number of voters in the county is equal to or more than 250,000 and less than or equal to 299,999, the county must have at least five early voting sites.

(vi) If the number of voters in the county is equal to or more than 300,000 and less than or equal to 349,999, the county must have at least six early voting sites.

(vii) If the number of voters in the county is equal to or more than 350,000, the county must have at least seven early voting sites.

(2) For a primary election or special election, the minimum number of early voting sites shall be based on the number of voters eligible to participate in the election pursuant to subparagraph 1 of this subdivision, unless the board of elections adopts a resolution determining that a lesser number of early voting sites is sufficient to meet the needs of early voters. Such resolution shall state the basis of such determination and shall specify how the board of elections will monitor voter wait times at early voting sites and ensure compliance with 6210.19(d) throughout the period of early voting.

(3) The board of elections may designate more early voting sites than the minimum number required for the convenience of voters.

(4) All sites must be open for voting for the sixty-hours required by Election Law § 8-600, but the board of elections may expand the hours the early voting sites are open beyond the statutory minimums.

(c) **Standards For Early Voting Site Designation**

(1) **Adequate and Equitable Access.** Early voting sites shall be located so that voters in each county have adequate and equitable access to early voting, and such sites shall comply with the provisions of the Election Law related to poll sites and accessibility for voters with physical disabilities. A polling place accessibility survey shall be completed, filed and updated for each early voting site as required by Part 6206.

(2) The board of elections shall consider, in totality, the following factors when designating early voting sites:

(i) population density;

(ii) travel time to the early voting location from the voter's place of residence;

(iii) proximity of an early voting site to other early voting sites;

(iv) whether the early voting site is on or near public transportation routes;

(v) commuter traffic patterns;

(vi) any other factors the board of elections deems appropriate.

**6211.2 Canvass of Ballots Cast During Early Voting.**

(a) All ballots cast during early voting period, by any method allowed under law, shall be canvassed and counted as if cast on Election Day. At the end of each day of early voting, all voted and unvoted ballots shall be reconciled and, along with any portable memory devices containing voting information and registration poll records, returned to the board of elections or otherwise secured, pursuant to a plan filed with the state board at least sixty days before the first day of early voting for the first election at which such plan shall be applicable. Such plan shall be approved or rejected by the co-executive directors of the state board of elections within two weeks of filing. If such plan is rejected, notice shall be provided to the board of elections of the reasons therefor. The board of elections shall then

have three business days to amend the plan and resubmit for approval. An approved plan shall remain in effect until amended by the board of elections and such amendment is approved as provided herein.

(b) The manner of canvassing the voting machines used at early voting and announcing the results shall be consistent with section 8-600 of the election law and in the same manner as provided by title one of article 9 of the election law and the procedures of the state board of elections, except that the canvass of ballots cast during the early voting period may begin no earlier than at eight o'clock p.m. on Election Day, provided the board of elections adopts procedures to prevent the public release of any election results prior to the close of polls on election day. Such procedures must be consistent with the regulations of the state board of elections and must be filed with the state board of elections at least sixty days before the first early voting period for an election to which they will apply, and shall remain in effect until amended by the board of elections and such amendment is filed as provided herein. To prevent the premature release of voting results prior to the close of all polls on Election Day, all persons lawfully present at the canvass of ballots cast during early voting period shall remain incommunicado with all persons outside of the place of canvass and shall remain at the room or area of the canvass once the canvass has begun, absent exigency or a board of elections purpose that requires leaving the canvass room or area, until at least the close of polls on the day of election.

**6211.3 Ballots Cast When Scanner Unavailable During the Early Voting Period.**

At the end of each day of early voting, those ballots which were not scanned because a scanner was not available or because the ballot was abandoned at the ballot scanner, shall, if a scanner is then available, be scanned by the election inspectors as provided for by Election Law § 9-110. Any ballots that are unscannable because it is rejected by the scanner or because of an overvote or wholly blank vote warning provided by the ballot scanner, shall be secured in the manner applicable to voted ballots on election day and shall remain unexamined until the time of canvass on the day of the election, at which time they shall be examined as provided for in Election Law § 9-110 and duly canvassed. Such ballots shall be reconciled as required by the procedures of the state board and must be held inviolate until the time of canvass on election day under tamper evident seal and lock and key.

**6211.4 Affidavit Ballots Cast During Early Voting.**

Affidavit ballots cast during early voting shall be accounted for in the manner of affidavit ballots cast on election day. Boards of elections shall complete the bi-partisan review of the affidavits to determine the eligibility of such voter prior to the canvass of affidavit ballots cast during the early voting period, in the same manner as for affidavit ballots submitted on election day. Until the time of canvassing, affidavit ballot envelopes shall be secured, when not in bipartisan custody for processing and researching, under tamper evident seal and lock and key as required by the procedures of the state board.

**6211.5 Privacy of Voting.**

To ensure an efficient and fair early voting process that respects the privacy of the voter, the manner of voting on days of the early voting period shall be the same as the manner of voting on the day of election.

**6211.6 Voter History and Prevention of Duplicate Voting.**

(a) During the early voting period, the voting history record for each voter shall be continually updated to reflect that a voter has voted early. A record indicating a voter has voted during the early voting period shall be available to poll workers at every early voting site at which a voter is eligible to vote in near real time. In such instance where a voter is only eligible to vote at one early voting site, the single poll book at such site for such voter may serve as the continually updated record of voter history throughout the early voting period.

(b) By Election Day, the voting history record of each voter who has cast a ballot during the early voting period shall be entered into the voter registration system of the board of elections. Such voting history shall be included in the voter registration poll record that is used on Election Day to determine the eligibility of voters. Such Election Day record must differentiate voters who voted early from those who appeared to vote on the day of election.

(c) Any voter who the board of elections has identified as having voted during the early voting period shall not be eligible to vote on Election Day, except such voter shall be entitled to complete an affidavit ballot if such voter claims not to have voted early. Such affidavit shall be marked as such.

(d) No later than the seventh day after a primary or special election or the tenth day after the general election, the voting history record of each voter who has signed a poll record and thus cast a ballot on such election day shall be entered into the voter registration system of the board of elections, and the voter history for such election day voters and early voters shall be uploaded to the statewide voter registration list.

(e) Not later than the seventh day after a primary or special election or

the tenth day after a general election, by five o'clock p.m. on such day, the board of elections shall prepare a list, including data elements prescribed by the board of elections and in the format specified by the state board of elections, of all persons who submitted an affidavit ballot. Such list shall be provided to the state board of elections, and the state board of elections shall provide a combined list of all affidavit ballots submitted statewide to the boards of elections.

(f) No later than seven business days after the completion of the canvass, the voting history record of each voter who has cast an absentee, military, special or federal ballot on Election Day or who has cast an affidavit ballot during early voting or on Election Day shall be entered into the voter registration system of the board of elections and the statewide voter registration list.

(g) Boards of elections shall provide information regarding voter registration records or voting records in their custody to other boards of elections, upon request, as soon as reasonably practicable.

(h) The board of elections, as required by Election Law § 8-600(1), shall establish procedures to ensure that persons who vote during early voting shall not be permitted to vote subsequently in the same election. Such procedures shall remain in effect until amended by the board of elections and shall be filed with the state board of elections on or before the sixtieth day preceding the first day of the early voting period. Such procedures shall be approved or rejected by the co-executive directors of the state board of elections within two weeks of filing. If such procedures are rejected, notice shall be provided to the board of elections of the reasons therefor. The board of elections shall then have three business days to amend their procedures and resubmit the same to the state board of elections for approval.

(i) Boards of elections shall provide to the state board, in the manner specified by the state board, the number of voters who vote early on each day of early voting by the next business day after such day of early voting.

#### 6211.7 Early Voting Communications Plan.

(a) Early Voting Information. The board of elections shall provide at least the following information to media outlets within the county:

(i) The location of early voting sites and their dates and hours of operation;

(ii) A statement that all early voting sites are accessible to voters with physical disabilities;

(iii) A clear statement that if a voter casts a ballot during early voting the voter will not be allowed to vote on election day or on a subsequent day of early voting;

(iv) If early voting sites are specific to particular cities, towns or other political subdivisions, a statement describing the area served by each early voting site.

(b) Communications Outreach. County board of elections may also provide early voting information by using social media venues and any other communication mechanisms, including but not limited to broadcast advertisements, direct mail or newspaper advertisements. The board of elections communications plan shall identify the community based groups that were involved in the development of the plan or were provided early voting information.

(c) Filing Communications Plan With State Board of Elections. The board of elections shall annually file a copy of the communications plan on or before May 1.

#### 6211.8 Applicability

This part shall apply in relation to any election at which early voting is held pursuant to title VI of article 8 of the election law as enacted by chapter 6 of the laws of 2019.

**Final rule as compared with last published rule:** Nonsubstantive changes were made in sections 6211.1(a), (b), 6211.2(a), (b), 6211.6(h)(1) and 6211.7(c).

**Text of rule and any required statements and analyses may be obtained from:** Nicholas Cartagena, State Board of Elections, 40 North Pearl St., Suite 5, Albany, NY 12207, (518) 474-2063, email: nicholas.cartagena@elections.ny.gov

#### Revised Regulatory Impact Statement

A revised Regulatory Impact Statement is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The changes to the text still seek to implement early voting in a way that accomplishes the goals highlighted in the Regulatory Impact Statement. These changes do not affect the meaning of any statements in the document.

#### Revised Regulatory Flexibility Analysis

A revised Regulatory Flexibility Analysis is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The changes to the text still seek to implement early voting in a way that accomplishes the goals highlighted in the Regulatory Flexibility Analysis. These changes do not affect the meaning of any statements in the document.

#### Revised Rural Area Flexibility Analysis

Under SAPA 202-bb(4)(a), when a rule does not impose an adverse economic impact on rural areas and the agency finds it would not impose reporting, recordkeeping, or other compliance requirements on public or private entities in rural areas, the agency may file a Statement in Lieu of. This rule has statewide application, providing a process for early voting. Accordingly, this rule has no adverse impact.

#### Revised Job Impact Statement

Under SAPA 201-a(2)(a), when it is apparent from the nature and purpose of the rule that it will not have a substantial adverse impact on jobs and employment opportunities, the agency may file a Statement in Lieu of. This rulemaking, as is apparent from its nature and purpose, will not have an adverse impact on jobs or employment opportunities. The proposed amendment provides a process for early voting. This rulemaking imposes no regulatory burden on any facet of job creation or employment.

#### Initial Review of Rule

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

#### Assessment of Public Comment

The State Board received 2 public comments in response to its publication of Proposed Rulemaking I.D. No. SBE-21-18-00047-P amendment of section 6200.10; addition of section 6200.11 to Title 9 NYCRR. The Board received comments from the following entities:

An early voting advocacy organization; and

An advocacy organization for people with disabilities.

Summaries of the comments on the proposal and the Department's responses thereto are as follows:

Comment: The early voting advocacy organization believes that there are language discrepancies regarding deadlines in 9 NYCRR Previous Term 6211 Next Term. 2(a) and 9 NYCRR Previous Term 6211 Next Term. 6(h).

Response: Previous 6211.2(a) requires that county boards of elections create a security plan related to storing early voting voted and unvoted ballots and memory devices by "at least sixty days before the first election at which such plan shall be applicable." 6211.6(h) requires county boards of elections to adopt procedures to ensure that persons who vote during early voting shall not be permitted to vote subsequently in the same election, with such plan being due "on or before the sixtieth day preceding the first day of the early voting period." The SBOE disagrees that there is a discrepancy between these two dates. Regardless, the applicable dates have passed (these dates were on or about August 27, 2019), rendering this issue moot.

Comment: The early voting advocacy organization opines that Election Law 8-600(2)(a) requires that, for primary elections, the default number of sites required per locality should be the total number of registered voters in county, not the total number of registered voters eligible to vote in the primary (e.g. the number of enrolled members of the party). The advocate notes that there is a process for local boards of elections to reduce the number of early voting sites in situations where there is a primary in the smaller parties.

Response: The Board believes that the correct interpretation of Election Law 8-600(2)(a) requires at least one vote site per 50,000 eligible registered voters per county. Requiring voting sites for voters who are not eligible to vote in an election is antithetical to the purpose of this statute.

Comment: The advocacy organization for people with disabilities advocates that "(t)he NYS BOE proposed early voting communication plan ... fails to include a deadline indicating when a county board of elections office must notify eligible voters of the designated early polling places and hours of operations. Voters with disabilities have increased barriers arranging transportation to the polls on Election Day. It is necessary to provide a deadline whereby a county board of elections must notify their eligible voters of the designated polling places and hours of operations. (e.g. No less than 30 days prior to the commencement of any early voting period.)"

Response: The proposed regulations provide that a local "board of elections shall annually file a copy of the communications plan on or before June 1, except in the first year of early voting, on or before the first day of July." Any communication plan that does not timely inform voters of early voting sites and their dates and hours of operation will be rejected by the State Board. Further, statute already requires that a county board of elections communicate the hours of early voting prior to the commencement of any early voting period. For example, Election Law 4-117 provides that mail check cards, which are mailed in mid-April, include "the dates, hours and locations of early voting for the general and primary election" or, in the alternative, include a website or phone number that will provide such information.

## Department of Environmental Conservation

### NOTICE OF ADOPTION

#### Regulations Governing Commercial Fishing and Harvest of Scup

**I.D. No.** ENV-18-19-00006-A

**Filing No.** 239

**Filing Date:** 2020-03-20

**Effective Date:** 2020-04-08

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 11-0303, 13-0105, 13-0339 and 13-0340-e

**Subject:** Regulations governing commercial fishing and harvest of scup.

**Purpose:** To revise regulations concerning the commercial fishing and harvest of scup in New York State waters.

**Text or summary was published** in the May 1, 2019 issue of the Register, I.D. No. ENV-18-19-00006-EP.

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

**Text of rule and any required statements and analyses may be obtained from:** Gina Fanelli, New York State Department of Environmental Conservation, 205 N. Belle Mead Rd., Suite 1, East Setaukat, NY 11733, (631) 444-0482, email: gina.fanelli@dec.ny.gov

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

#### Initial Review of Rule

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

#### Assessment of Public Comment

The agency received no public comment.

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Chronic Wasting Disease

**I.D. No.** ENV-14-20-00005-P

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

**Proposed Action:** This is a consensus rule making to amend Part 189 of Title 6 NYCRR.

**Statutory authority:** Environmental Conservation Law, sections 03-0301, 11-0325 and 11-1905

**Subject:** Chronic wasting disease.

**Purpose:** Rectify an errant subdivision reference and reinstate sections of Part 189 that were inadvertently removed by a clerical error.

**Text of proposed rule:** Sections 189.2, 189.3, and 189.4 of Title 6, Part 189 of NYCRR, are amended as follows:

Section 189.2 reletter subdivision (f) to (g) and add new (f):

(f) *Person means an individual, a co-partnership, joint stock company or corporation.*

Section 189.3 reletter subdivisions (b)-(d) to (d)-(f) and add new (b)-(c):

(b) *Importation of carcasses and parts. No person shall import into New York or possess in New York the carcasses or parts of CWD susceptible animals obtained from or taken outside New York, except that:*

(1) *the deboned meat, cleaned skull cap, antlers with no flesh adhering, raw or processed cape or hide, cleaned teeth or lower jaw, and finished taxidermy products of CWD susceptible animals may be imported and possessed provided that all such parts are marked as described in section 189.4 of this Part;*

(2) *carcasses or parts thereof may be imported and possessed as*

*specimens in a bona fide laboratory research study under a license issued by the department pursuant to Environmental Conservation Law section 11-0515(1) and provided that such parts or specimens are disposed of in accordance with accepted laboratory practices;*

(3) *commercially traded meats and products, including cleaned hide, teeth, bone and antler used in the making of such products, may be imported and possessed provided that such products and parts are marketed and/or intended to be used in a manner that they will not be exposed to live CWD susceptible animals and such products and parts do not contain any portion of brain, eyes, spinal cord, tonsils, intestinal tract, spleen, or retropharyngeal lymph nodes;*

(4) *carcasses and parts may be transported and shipped through New York as provided in section 189.5 of this Part.*

(c) *Liberation of CWD susceptible animals. No person shall liberate or release to the wild in New York any CWD susceptible animal except for wild white-tailed deer (*O. virginianus*) or wild moose (*A. alces*) held in temporary captivity under license or permit issued by the department pursuant to Environmental Conservation Law, section 11-0507 or 11-0515.*

Amend Section 189.4 as follows:

Except as provided in section 189.3([e]b)(2) and (3) of this Part, all parts of any CWD susceptible animal imported into New York, or packages or containers containing such parts, shall be affixed with a legible label bearing the following information: the species of animal, the state or province and country where the animal was taken, and the name and address of the person who took the animal.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jeremy Hurst, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4754, (518) 402-8883, email: jeremy.hurst@dec.ny.gov

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

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

**Additional matter required by statute:** A programmatic environmental impact statement is on file with the Department of Environmental Conservation.

#### Consensus Rule Making Determination

The Department of Environmental Conservation (Department) is proposing to amend 6 NYCRR Part 189, pertaining to Chronic Wasting Disease, to rectify clerical errors.

Appropriate and necessary revisions to Part 189 were adopted by the Department on November 13, 2019, to protect wild white-tailed deer and moose in New York and reduce the potential of introducing Chronic Wasting Disease into the state.

Subsequently, the Department adopted a separate regulation in December 2019 which inadvertently repealed important sections of Part 189 adopted on November 13, 2019 due to a clerical error.

This rule making seeks simply to reinstate the portions of Part 189, as adopted in November 2019, that were subsequently removed by the clerical error in December 2019. Additionally, this rulemaking rectifies an incorrect subdivision reference. For this reason, the Department has determined that no person is likely to object to this rulemaking.

#### Job Impact Statement

This rule making is necessary to reinstate sections of 6 NYCRR Part 189 that were inadvertently removed by a clerical error and to correct an errant subdivision reference. The provisions of Part 189 include measures to protect New York State's wild white-tailed deer and moose populations from Chronic Wasting Disease (CWD) by preventing the importation of CWD infectious materials into New York. As this rule simply fixes a subdivision reference and restores regulations that were previously adopted November 13, 2019 (I.D. No. ENV-32-19-00006-A), this rulemaking will not impose any additional impacts on jobs or employment opportunities in New York.

## Department of Financial Services

### EMERGENCY RULE MAKING

#### Emergency Relief for New Yorkers Who Can Demonstrate Financial Hardship as a Result of COVID-19

**I.D. No.** DFS-14-20-00004-E

**Filing No.** 246

**Filing Date:** 2020-03-24

**Effective Date:** 2020-03-24

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

**Action taken:** Addition of Part 119 to Title 3 NYCRR.

**Statutory authority:** Executive Law, section 29-a; Executive Order No. 202.9, dated March 21, 2020, promulgated thereunder; Financial Services Law, sections 202, 302; Banking Law, sections 10, 11, 14, 39(2) and 590

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

**Specific reasons underlying the finding of necessity:** By Executive Order No. 202, issued March 7, 2020, Governor Andrew M. Cuomo declared a disaster emergency in the State of New York in response to the outbreak of COVID-19. COVID-19 presents a public health and economic challenge to the State unprecedented in modern history. Responding to COVID-19 requires a coordinated effort by all New Yorkers. For many, COVID-19 presents an unexpected hardship that will strain their limited resources, as measures responsive to the disaster emergency required to protect the health and safety of New Yorkers limit the ability of many people to earn a livelihood. In recognition of the adversity many will face, Governor Cuomo issued, on March 21, 2020, Executive Order 202.9, directing entities regulated by the Department of Financial Services (the "Department") to provide reasonable and prudent financial relief to consumers in New York and facing a financial hardship due to the COVID-19 pandemic.

The aim of Executive Order 202.9 and this regulation is to provide certain financial relief during this pandemic to those who can demonstrate a financial hardship as result of the COVID-19 pandemic, subject to the safety and soundness of the regulated institutions. This regulation establishes standards and procedures that regulated institutions must follow in their review of requests for relief and determinations to provide financial relief to those experiencing financial hardship, consistent with the purposes of Executive Order 202.9, this regulation, and the safe and sound practices of the regulated institutions pursuant. These measures are critical to help individuals and to limit the impact of this pandemic on the State's welfare and economy.

The Department believes ninety (90) days will initially be sufficient to provide New Yorkers with emergency forbearances. If faced with a longer emergency, the Department will renew this emergency regulation.

Accordingly, it is imperative that this new Part 119 of the General Regulations of the Superintendent be promulgated on an emergency basis for the public's general welfare.

**Subject:** Emergency Relief for New Yorkers Who Can Demonstrate Financial Hardship as a Result of COVID-19.

**Purpose:** Provide forbearances on residential mortgages and certain banking fees for distressed New Yorkers coping with COVID-19.

**Text of emergency rule:** A new Part 119 is added to 3 NYCRR to read as follows:

#### § 119.1 Statement of Purpose

By Executive Order No. 202, issued March 7, 2020, Governor Andrew M. Cuomo declared a disaster emergency in the State of New York in response to the outbreak of COVID-19. COVID-19 presents a public health crisis and economic challenge to the State unprecedented in modern history. Responding to COVID-19 requires a coordinated effort by all New Yorkers. For many, COVID-19 presents an unexpected hardship that will strain their limited resources. The measures responsive to the disaster emergency, required to protect the health and safety of New Yorkers, limit the ability of many people to earn a livelihood. In recognition of the adversity many will face, Governor Cuomo issued, on March 21, 2020, Executive Order 202.9, directing institutions regulated by the Department of Financial Services (the "Department") to provide, under reasonable and prudent circumstances, financial relief to consumers in New York experiencing a financial hardship due to the COVID-19 pandemic.

The aim of Executive Order 202.9 and this regulation is to provide certain financial relief during this pandemic to those who can demonstrate a financial hardship as a result of the COVID-19 pandemic, subject to the safety and soundness of the regulated institutions. This regulation establishes standards and procedures that regulated institutions must follow in their review of requests for relief and determinations to provide financial relief to those experiencing financial hardship, consistent with the purposes of Executive Order 202.9, this regulation, and the safe and sound practices of the regulated institutions. Such relief is critical to help individuals and to limit the impact of this pandemic on the State's welfare and economy.

#### § 119.2 Definitions

(a) COVID-19 relief means certain financial relief provided by a New York regulated institution under the terms of this regulation pursuant to Executive Order 202.9.

(b) COVID-19 pandemic means the global outbreak of COVID-19, the disease caused by the novel coronavirus first identified in Wuhan, China, in or about December 2019, that has been detected in increasing numbers in the United States, including the State of New York.

(c) Regulated institution means any New York regulated banking organization as defined under New York Banking Law and any New York regulated mortgage servicer entity subject to the authority of the Department.

#### § 119.3 COVID-19 Relief Program

(a) Pursuant to Executive Order 202.9 and for the duration specified therein, which may be extended, New York regulated institutions are required to, in addition to adhering to the servicing requirements of Part 419, (i) make applications for forbearance of any payment due on a residential mortgage of a property located in New York, widely available to any individual who resides in New York and who demonstrates financial hardship as a result of the COVID-19 pandemic; and (ii) subject to the safety and soundness requirements of the regulated institution, grant such forbearance for a period of ninety (90) days to any such individual.

Notwithstanding anything else to the contrary herein, this regulation is not applicable to, and does not affect any mortgage loans made, insured, or securitized by any agency or instrumentality of the United States, any Government Sponsored Enterprise, or a Federal Home Loan Bank, or the rights and obligations of any lender, issuer, servicer or trustee of such obligations, including servicers for the Government National Mortgage Association.

(b) Pursuant to Executive Order 202.9 and for the duration specified therein, which may be extended, New York regulated banking organizations will provide the following financial relief to any individual who can demonstrate financial hardship from COVID-19, subject to the safety and soundness requirements of the regulated banking organization:

(1) Eliminating fees charged for the use of automated teller machines ("ATMs") that are owned or operated by the regulated banking organization;

(2) Eliminating any overdraft fees; and

(3) Eliminating any credit card late payment fees.

Regulated institutions are not limited to offering the types of relief listed above. Regulated institutions are encouraged, consistent with safe and sound banking practices, to take additional reasonable and prudent actions to assist individuals demonstrating financial hardship as a result of the COVID-19 pandemic in any manner they deem appropriate.

(c) As soon as reasonably practicable, and in no event not later than ten (10) business days following the promulgation of this regulation, all regulated institutions shall e-mail, publish on their website, mass mail, or otherwise similarly broadly communicate to customers how to apply for COVID-19 relief and provide their contact information.

#### (d) Qualifications to Receive COVID-19 Relief:

(1) The criteria developed by regulated institutions for individuals to qualify for COVID-19 relief shall be clear, easy to understand, and reasonably tailored to the requirements of the regulated institution to assess whether it will provide, consistent with the goals of Executive Order 202.9 and this regulation, applicable state and federal law, and the principles of safe and sound business practices, COVID-19 relief.

(2) If a regulated institution receives an application for COVID-19 relief that omits any information that the institution reasonably needs to process the application, the institution shall promptly communicate to the applicant the nature of the missing information and how it can be provided to the institution.

#### (e) Processing Applications for COVID-19 Relief:

(1) Regulated institutions shall process and respond to requests for COVID-19 relief immediately, and in no event not later than ten (10) business days after the regulated institution receives all information it reasonably requires to process the application.

(2) Regulated institutions shall develop and implement procedures for the expedited processing of applications for COVID-19 relief for any individual who reasonably establishes an exigent circumstance and requests the expedited processing of the individual's application.

(3) All determinations on applications for COVID-19 relief shall be communicated to the applicant in writing where reasonably feasible and warranted, and shall state whether the regulated institution granted the application and, if the application was granted, what, if anything, the applicant needs to do to secure the relief or, if the application was denied, the reason it was denied and a statement that the applicant may file a complaint with the New York State Department of Financial Services at 1-800-342-3736 or <http://www.dfs.ny.gov> if the applicant believes the application was wrongly denied.

(f) Pursuant to the terms of Executive Order 202.9, Section 39 of the Banking Law was modified to provide that it shall be an unsafe and unsound business practice if, in response to the COVID-19 pandemic, any regulated institution shall not grant a forbearance of any payment due on a residential mortgage for a period of ninety (90) days to any individual who has applied for such a forbearance and demonstrated a financial hardship as a result of the COVID-19 pandemic, as described herein. In assessing whether a regulated institution has engaged in an unsafe or unsound practice by denying an application for such a forbearance, the Department will consider the adequacy of the process established by the regulated institution to process such forbearance applications, the thoroughness of the review afforded to the application, the payment history, creditworthiness, and the financial resources of the borrower, the application of any state and federal laws or regulations that would prohibit the grant of a forbearance, as well as the safety and soundness requirements of the regulated institution.

(g) During examinations, the Department's examiners will not criticize in their examinations prudent and reasonable efforts to grant forbearance of any payment due on a residential mortgage pursuant to this regulation and consistent with safe and sound practices.

(h) Regulated institutions are directed to maintain copies of all files relating to their implementation of this regulation for a period of seven (7) years from the date of creation and to make such files available for inspection at the Department's next examination of the regulated institution.

(i) Regulated institutions are encouraged to seek guidance from the Department with respect to notices, communications, application processes, reviews and any other provisions of this regulation.

(j) To the extent there are any inconsistencies between this regulation and either of the two following Guidance Letters issued by the Department on March 19, 2020, this regulation shall prevail: (i) "Guidance to New York State Regulated and Exempt Mortgage Servicers Regarding Support for Borrowers Impacted by the Novel Coronavirus (COVID-19)," and (ii) "Guidance to New York State Regulated Financial Institutions Regarding Support for Consumers and Businesses Impacted by the Novel Coronavirus (COVID-19)."

(k) For the sake of clarity, this regulation does not apply to any commercial mortgage or any other loans not described herein.

**This notice is intended** to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires June 21, 2020.

**Text of rule and any required statements and analyses may be obtained from:** Peter Dean, Deputy Superintendent, New York State Department of Financial Services, One State St., New York, NY 10004-1417, (212) 480-5278, email: [eter.Dean@dfs.ny.gov](mailto:eter.Dean@dfs.ny.gov)

#### Regulatory Impact Statement

1. Statutory authority: Banking Law (or "BL") Sections 10, 11, 14, 39(2) and 590; Executive Law Section 29-a; Executive Order No. 202.9, dated March 21, 2020, promulgated thereunder; and Financial Services Law (or "FSL") Sections 202 and 302.

BL Section 10 sets forth a declaration of policy, including that banking institutions will be regulated in a manner to insure safe and sound conduct and maintain public confidence.

BL Section 11 sets forth that the Department is charged with the execution of the laws relating to entities regulated under the Banking Law.

BL Section 14 references, without limitation, the policy of BL Section 10 and sets forth certain powers of the Superintendent of Financial Services ("Superintendent") under the Banking Law, including the power to "make, alter and amend orders, rules and regulations not inconsistent with law" and, under certain enumerated circumstances, to "make variations from the requirements" of the Banking Law, provided such variations are "in harmony with the spirit of the law."

BL Section 39 (2) provides that the Superintendent is empowered "[t]o discontinue unauthorized or unsafe and unsound practices. Whenever it shall appear to the superintendent that any banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, licensed cashier of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation licensed by the

superintendent to do business in this state is conducting business in an unauthorized or unsafe and unsound manner, he or she may, in his or her discretion, issue an order directing the discontinuance of such unauthorized or unsafe and unsound practices. . ."

Article 12-D of the Banking Law, as amended by the Legislature in the Mortgage Lending Reform Law of 2008 (Ch. 472, Laws of 2008), creates a framework for the regulation of mortgage loan servicers. That legislation also authorizes the adoption of regulations implementing its provisions, e.g., Banking Law Section 590(2)(b-1).

Executive Law Section 29-a governs the temporary suspension of state laws by executive order during state disaster emergencies, under which Governor Andrew M. Cuomo issued Executive Order 202.9 on March 21, 2020 that, among other things, directs the Superintendent to issue emergency regulations in conformance with the Executive Order.

FSL Section 202 establishes the office of the Superintendent of Financial Services and provides the Superintendent with broad rights, powers, duties and discretion with respect to matters under the Financial Services Law, the Banking Law, and the Insurance Law.

FSL Section 302 sets forth the power of the Superintendent to prescribe, withdraw or amend rules and regulations involving financial products and services, including in effectuating and interpreting the provisions of the Financial Services Law, the Banking Law, and the Insurance Law, and in governing the procedures to be followed in the practice of the Department.

2. Legislative objectives: The Legislature granted the Governor broad powers to take necessary action in cases of extreme emergency that threaten the health, safety and general welfare of New Yorkers. Specifically, Executive Law section 29-a authorizes the Governor to temporarily suspend or modify statutes, rules and regulations, or parts thereof, during a State disaster emergency. Governor Andrew M. Cuomo did so when issuing Executive Order 202.9 on March 21, 2020. This emergency banking regulation implements the Governor's Executive Order.

3. Needs and benefits: These measures are critical to help New Yorkers stay home and practice social distancing throughout the duration of this crisis, and to limit the impact on the State's economy. The regulation calls for regulated institutions to grant forbearances on residential mortgages for the duration of the emergency measure. It also calls for banks to waive all ATM fees, overdraft fees, and credit card late payment fees. The Department believes this action is necessary to keep the local economy functioning in the short term while a majority of people cannot go to work in New York, many of which are not being paid by their employers or have become unemployed as a result of the COVID-19 crisis.

4. Costs: The regulation will impose significant short term burdens on regulated institutions. This is an unavoidable consequence of the forbearances contemplated. However, the Department believes that the regulation will prevent a wave of insolvencies and bankruptcies by debtors and support consumer demand in the short term. These measures should make it easier for the local economy to recover once the worst part of the COVID-19 crisis abates. The long term costs substantially depend upon the duration of the medical crisis, the length of the quarantine period requiring social distancing and stay at home measures, and the number of deaths and serious illnesses suffered by New Yorkers. The short term and long term costs are not calculable at this time.

The regulation will not impose significant costs on the state government or the Department. The Department may need to incur some overtime costs to render advice to regulated industries and to enforce the provisions of the regulation.

5. Local government mandates: This regulation will impose no new mandates on any county, city, town, village, school district, fire district or other special district.

6. Paperwork: The regulation requires new reporting by regulated institutions on their plans for COVID-19 relief measures. Regulated institutions must also send special notices to delinquent borrowers and promptly process requests for assistance. While these measures temporarily impose greater paperwork requirements, they do not impose greater long term requirements.

7. Duplication: This rule does not duplicate or conflict with any existing state or federal rules or other legal requirements. This regulation operates in parallel with directives issued by the federal Department of Housing and Urban Development, Fannie Mae and Freddie Mac concerning mortgage forbearances. The Department will strive to harmonize its efforts with the federal government and government sponsored enterprises that originate, purchase, securitize and service residential mortgage loans.

8. Alternatives: There are no viable alternatives to this regulation. Without the Governor's Executive Order and this regulation, many residents would be pushed into default on their debts very quickly. A wave of insolvencies and bankruptcies would further disrupt economic recovery, which would not be in the long term best interest of financial institutions.

9. Federal standards: There are no federal standards that conflict with this regulation. The federal government and its instrumentalities are issuing comparable emergency orders and forbearance directives that parallel the efforts of the New York state government.

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

#### **Regulatory Flexibility Analysis**

1. Effect of Rule: The regulation applies to regulated institutions only. To the extent that a regulated entity is a small business, it is operating in a highly regulated environment and must be adequately prepared to comply with the emergency regulation. The regulation will not have any impact on local governments.

2. Compliance Requirements: The regulation requires regulated institutions to develop policies and procedures to establish forms of COVID-19 relief that will be made available to people demonstrating financial hardship from the COVID-19 pandemic, the manner in which information about the availability of such relief will be communicated to the regulated institution's customers, the method by which people may apply for COVID-19 relief, the criteria that regulated institutions will use to assess whether to grant COVID-19 relief, and the time frame within which such applications will be processed. Regulated institutions must make applications widely available to their customers and must grant the requested relief in all reasonable and prudent circumstances consistent with the safety and soundness of the regulated institution during the period of the state emergency stemming from the COVID-19 pandemic.

3. Professional Services: Regulated institutions may need additional professional services to comply with the requirements of this regulation. The processing of customer applications may require additional temporary staffing and long term oversight and related documentation.

4. Compliance Costs: The Department cannot estimate the total short term and long term costs for a regulated institution that may be a small business in a systematic manner, although the Department expects that costs may be substantial. Regulated institutions will be subject to additional direct costs due to the regulation's requirements to develop policies and procedures related to the forbearance on residential mortgages, waiver of ATM fees, overdraft fees, and credit card late penalty fees, and the means by which their customers may apply for such relief. In addition, the forbearance on residential mortgages and fee waiver requirements require regulated institutions to delay or forego certain income. Pursuant to industry guidance released on March 10, 2020 that is posted on the Department's website, the Department will consult with financial institutions concerning their liquidity and financial risks arising from the COVID crisis, and the Department accepts that their resources are not unlimited. The Department understands that our smaller institutions have fewer resources than our larger institutions.

5. Economic and Technological Feasibility: As noted above, the Department understands that these requirements can place financial institutions under greater financial stress. The new application and recordkeeping requirements are also a technological challenge. It will be difficult to adjust computer systems during the COVID crisis. The Department will consult with the industry as the challenges arise and try to address such challenges.

6. Minimizing Adverse Impact: There are no viable alternatives to this regulation. Without the Governor's emergency order and this regulation, many residents would be pushed into default on their debts very quickly. A wave of insolvencies and bankruptcies would further disrupt economic recovery, which would not be in the long term best interest of financial institutions. The Department can only evaluate the stress placed on financial institutions as they communicate and inform the Department of their circumstances.

7. Small Business and Local Government Participation: Regulated institutions that are small businesses will have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department's website.

#### **Rural Area Flexibility Analysis**

1. Types and estimated numbers of rural areas: Financial institutions subject to this emergency measure operate in every county in this State, including rural areas as defined by State Administrative Procedure Act section 102(10).

2. Reporting, recordkeeping and other compliance requirements; and professional services: The regulation requires regulated institutions to develop policies and procedures to establish forms of COVID-19 relief that will be made available to people demonstrating financial hardship from the COVID-19 pandemic, the manner in which information about the availability of such relief will be communicated to the regulated institution's customers, the method by which people may apply for COVID-19 relief, the criteria that regulated institutions will use to assess whether to grant COVID-19 relief, and the time frame within which such applications will be processed. Regulated institutions must make applications widely available to their customers and shall grant the requested relief in all reasonable and prudent circumstances consistent with the safety and soundness of the regulated institution during the period of the State emergency stemming from the COVID-19 pandemic.

This emergency measure also requires regulated institutions to maintain

copies of all files relating to their implementation of this regulation for a period of seven years and to make such files available for inspection at the Department's next examination of the regulated institution.

3. Costs: Regulated institutions will be subject to additional direct costs due to the rulemaking's requirements to develop policies and procedures related to the forbearance on residential mortgages, waiver of ATM fees, overdraft fees, and credit card late payment fees, and the means by which their customers may apply for such relief. In addition, the forbearance on residential mortgages and fee waiver requirements require regulated institutions to delay or forego certain income. However, these measures are critical to help New Yorkers stay home and practice social distancing throughout the duration of this crisis, and to limit its impact on the State's economy.

4. Minimizing adverse impact: This amendment uniformly affects regulated institutions that are located in both rural and non-rural areas of New York State.

5. Rural area participation: Regulated institutions in rural areas will have an opportunity to participate in the rulemaking process when the emergency regulation is published in the State Register and posted on the Department's website.

#### **Job Impact Statement**

This emergency measure should not adversely affect jobs or employment opportunities in New York State.

The regulation establishes standards and procedures that regulated institutions must follow in weighing whether to provide relief to their customers consistent with Executive Order 202.9, signed by Governor Andrew M. Cuomo on March 21, 2020, and safe and sound practices pursuant to Banking Law section 39(2). These measures are critical to help New Yorkers stay home and practice social distancing throughout the duration of this crisis, and to limit the impact on the State's economy. The regulation calls for regulated institutions to grant forbearances on residential mortgages for the duration of the emergency measure. It also calls for banks to waive all ATM fees, overdraft fees, and credit card late payment fees.

Therefore, the amendment should not cause any adverse impact on jobs or employment opportunities, and should provide significant relief to individuals during this extraordinary health crisis.

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## Department of Health

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### NOTICE OF ADOPTION

#### **Secondary Syringe Exchange in New York State**

**I.D. No.** HLT-48-19-00003-A

**Filing No.** 253

**Filing Date:** 2020-03-27

**Effective Date:** 2020-04-08

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

**Action taken:** Amendment of sections 80.135 and 80.137 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, sections 3308 and 3381

**Subject:** Secondary Syringe Exchange in New York State.

**Purpose:** To reduce the spread of blood-borne pathogens, to reduce or eliminate other harms associated with contaminated syringes.

**Text of final rule:** Paragraphs (12) and (13) of subdivision (m) of section 80.135 is amended, a new paragraph (14) of subdivision (m) is added, and a new subdivision (n) is added to read as follows:

(12) the proposed plan for direct provision or referral to HIV antibody testing services, health services, including evaluation and treatment services for HIV infection, sexually transmitted diseases and tuberculosis, family planning, prenatal and obstetrical care, social services, *viral hepatitis* and drug [abuse] treatment services, including the plan to work with service providers and community-based organizations to establish service linkages; [and]

(13) the proposed plan for evaluating program services and goals[.]; and

(14) *overdose prevention education that specifically includes information about methods participants should use to prevent any adverse reactions from:*

(i) *injecting fentanyl;* and

(ii) *lack of knowledge of the kinds and amounts of substances users are injecting.*

(n) The Commissioner may approve programs with plans that do not include all of the elements specified in subdivision (m) of this section, provided that:

(1) the not-for-profit organization or government entity does not receive funding to operate such hypodermic syringe or needle exchange program from the Department;

(2) the not-for-profit organization or government entity provides other services to individuals at heightened risk for adverse outcomes;

(3) the plan includes at least the following elements:

(i) a description of staffing and training planned for employees and volunteers working for the proposed program.

(ii) if the plan does not have procedures for enrollment of participants in the program or issuance of participant identification cards, procedures to make it possible for clients to demonstrate that they received syringes from a legally authorized program.

(iii) policies and procedures for the proper safeguarding, handling and disposal of hypodermic syringes and needles, including inventory control, securing injection equipment from theft, adherence to appropriate infection control practices, and appropriate disposal of used hypodermic syringes and needles.

(iv) policies and procedures for enlisting community support for the program, including responding to concerns from the community and law enforcement agencies.

(v) submission of quarterly reports to the Department, in a format determined by the Department; and

(4) the program is approved by any other state agency that licenses or certifies the operations of the not-for-profit organization or government entity.

Subparagraph (i) of paragraph (2) of subdivision (d) of section 80.137 is amended to read as follows:

(i) shall not advertise to the public the availability for retail or furnishing of hypodermic syringes and needles without a prescription; provided, however, that in-store signage indicating that hypodermic syringes and needles may be purchased without a prescription, and which is consistent with guidance issued by the Department, shall not be considered advertising to the public; and

**Final rule as compared with last published rule:** Nonsubstantial changes were made in section 80.135(n)(1).

**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

#### **Revised Regulatory Impact Statement**

##### **Statutory Authority:**

Under New York State Public Health Law (PHL) Section 3308(2), the New York State Department of Health (NYSDOH) Commissioner is authorized to make any rules, regulations and determinations which may be necessary or proper to supplement the provisions of PHL Article 33 (Controlled Substances). The statutory authority for New York State's syringe exchange programs (SEPs) exists under PHL Section 3381(1)(b), which grants the NYSDOH Commissioner the power to authorize persons to legally obtain and possess hypodermic syringes and hypodermic needles. PHL Section 3381(4) and PHL Section 3381(5)(f) set forth the statutory authority for the expanded syringe access program (ESAP) and the manner in which pharmacies, health care facilities and health care practitioners furnish syringes without a prescription.

##### **Legislative Objectives:**

The goal of both SEP and ESAP is to reduce the spread of blood-borne pathogens, reduce or eliminate other harms associated with contaminated syringes, and improve the health of individuals who inject drugs, and their communities.

##### **Needs and Benefits:**

New York State currently has 24 SEPs. The reach of these SEPs is limited by their staffing and geography. Having a second-tier of programs authorized to furnish syringes will more comprehensively address the needs of persons who inject drugs, particularly in areas where there are no SEPs. Pharmacies participating in ESAP are a complementary means for individuals to obtain their injection equipment. However, those syringes must be paid for by the consumer, and for many persons who inject drugs this is a hardship. Persons who inject drugs may also fear being stigmatized in pharmacies. Second-tier syringe exchange programs may also serve as a source of syringes for individuals who have already been enrolled in a SEP, but who are located too far away from that SEP to routinely obtain syringes there.

The second-tier syringe exchange programs will also incorporate overdose response training in their work. These programs are well-positioned to ensure that the individuals they work with are educated regarding hygienic injection practices and are engaged in strategies to avoid overdosing.

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

The NYSDOH will be providing the harm reduction supplies at no cost to programs that are approved as second-tier syringe exchange programs. Quantities will be individually assessed and determined for each site. Included among those supplies are syringes, sharps containers, alcohol pads, and non-latex gloves. The estimated cost of providing these supplies is \$250,000 annually. There will be added responsibility for regulated entities deploying these second-tier programs, but the furnishing and collection of syringes will have a negligible impact on the current staff job responsibilities.

##### **Costs:**

##### **Costs to State and Local Governments:**

NYSDOH will be covering the cost of harm reduction supplies for local government agencies that voluntarily choose to have second-tier syringe exchange programs. Included among those supplies are syringes, sharps containers, alcohol pads, and non-latex gloves. There will be added responsibility for local government agency staff if they choose to become second-tier syringe exchange programs, but the furnishing and collection of syringes will have a negligible impact on their current job responsibilities.

##### **Costs to the Department of Health:**

Agencies approved to be second-tier syringe exchange programs will not receive funding from the NYSDOH to operate the second-tier syringe exchange programs. The NYSDOH will provide the harm reduction supplies at no cost to programs that are approved as second-tier syringe exchange programs. Quantities will be individually assessed and determined for each site. The estimated cost of providing these supplies is \$250,000 annually. The NYSDOH already has a contract to purchase, store and distribute harm reduction supplies. Agencies approved to be second-tier syringe exchange programs will be able to order harm reduction supplies through this contract. Second-tier syringe exchange programs are limited to not-for-profit organizations and government entities, including but not limited to, LGBTQ centers, STD clinics, and local health departments.

##### **Local Government Mandates:**

The proposed regulation does not impose any new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district.

##### **Paperwork:**

Agencies that apply to have a second-tier syringe exchange program will complete an application and submit it to NYSDOH. Once a program is approved, the agency will be required to submit quarterly reports.

##### **Duplication:**

There is no duplication of effort or of expenses in implementing the second-tier syringe exchange programs. SEP, ESAP and the second-tier syringe access programs are complementary, each meeting distinct needs.

##### **Alternatives:**

There are no viable alternatives that meet the objectives of this regulation. Applications from agencies to become syringe exchange programs (first tier) will continue to be reviewed and approved when all of the requirements are met and funding is available. The second-tier syringe exchange programs are lower threshold in terms of the application process, and this is likely to provide a meaningful adjunct to current syringe access capacity. The agencies anticipated to apply to become a second-tier syringe exchange program will reach individuals who may not come to a syringe exchange program. Once an agency is approved to become a second-tier syringe exchange program, individuals receiving services at these agencies can receive syringes as well.

##### **Federal Standards:**

The proposed second-tier syringe exchange programs are consistent with Federal support for syringe services programs (SSPs). No federal funding, under federal regulation, can be used for supporting the provision of syringes. However, federal funding can be used for ancillary services.

##### **Compliance Schedule:**

Syringe exchange programs are subject to comprehensive monitoring by NYSDOH staff every two years. A similar standard will be applied for the second-tier syringe access programs.

#### **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 RFA, RAFA and JIS.

#### **Initial Review of Rule**

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

#### **Assessment of Public Comment**

The New York State Department of Health ("Department") received public comments in response to the proposed rulemaking amending Part

80 of Title 10 of the Codes, Rules and Regulations of the State of New York relating to syringe exchange programs. The comments and the Department's responses are summarized below.

Comment:

One commenter suggested incorporating specific reporting elements in the regulation, including the number of syringes furnished and collected as well as the number of participant encounters by each Syringe Exchange Program (SEP).

Response:

Reporting requirements will be further clarified, as necessary, in policy and guidance documents to be developed upon the adoption of the proposed regulation and Department review as the need for specific reporting elements will evolve over time. No changes were made to the regulation in response to this comment.

Comment:

One commenter suggested that the Department provide programmatic support to the second-tier SEPs in the areas of syringe disposal, training materials and coordination with first-tier programs.

Response:

This comment is beyond the scope of these regulations. Nevertheless, in accordance with proposals developed prior to the release of these regulations, the Department is moving forward with plans to provide second-tier SEPs with program support as suggested by this comment. No changes were made to the regulation in response to this comment.

Comment:

One commenter suggested that the Department produce and distribute participant identification cards to the second-tier syringe exchange program.

Response:

This comment is beyond the scope of these regulations. Nevertheless, the Department intends to provide participant identification cards to the second-tier syringe SEPs in the same manner that it does for conventional SEPs. No changes were made to the regulation in response to this comment.

Comment:

One commenter suggested that the Department include in the second-tier SEP application form a methodology for prioritizing applications.

Response:

This comment is beyond the scope of these regulations. Nevertheless, the Department does not anticipate any need to prioritize certain applications. No changes were made to the regulation in response to this comment.

Comment:

One commenter suggested that the regulations should allow SEPs that currently receive Department funding to operate second-tier syringe exchange operations at sites for which there is no such Department funding.

Response:

The Department made a technical amendment to the Final Rule to clarify that currently funded syringe exchange programs are eligible to have second-tier syringe exchange programs at unfunded sites. The Department also revised the regulatory impact statement to make clear that agencies approved to be second-tier syringe exchange programs may already be receiving funding from the Department to operate hypodermic syringe or needle exchange programs, but at this time there is no additional funding from the Department to operate second-tier syringe exchange programs.

Comment:

One commenter proposed amending the regulations to integrate hepatitis B and C screening; hepatitis A, B and C prevention education and counseling; and direct provision of, or referral for, HIV and viral hepatitis treatment, into SEP operations.

Response:

SEPs vary in their capacity to deliver the above referenced services, depending on the availability of funding and other resources. The Department will continue to support these services to the extent possible, however mandating these services by regulation would place a significant and undue burden upon SEPs that could limit their ability to provide important core services. No changes were made to the regulation in response to this comment.

## Public Service Commission

### NOTICE OF ADOPTION

#### Transfer of Assets and Dissolution of Company

**I.D. No.** PSC-37-19-00004-A

**Filing Date:** 2020-03-20

**Effective Date:** 2020-03-20

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

**Action taken:** On 3/19/20, the PSC adopted an order approving Hopewell Service Corporation (Hopewell) and the Town of East Fishkill's (East Fishkill) petition for a transfer of all of Hopewell's assets to East Fishkill and the dissolution of Hopewell.

**Statutory authority:** Public Service Law, sections 4(1), 89-c(1), (10), 89-h(1) and 108

**Subject:** Transfer of assets and dissolution of company.

**Purpose:** To approve the transfer of all of Hopewell's assets to East Fishkill and the dissolution of Hopewell.

**Substance of final rule:** The Commission, on March 19, 2020, adopted an order approving Hopewell Service Corporation (Hopewell) and the Town of East Fishkill's (East Fishkill) petition for a transfer of all of Hopewell's water supply assets serving the Worley Homes subdivision in the Town of East Fishkill, Dutchess County, to East Fishkill and the dissolution of Hopewell after closing of the transfer. Within 30 days of the date of closing, Hopewell is directed to file a cancellation supplement, cancelling its tariff schedule, P.S.C. No. 2 – Water, supplements, and statements, to become effective on not less than one day's notice, subject to the terms and conditions set forth in the order.

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

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

#### Assessment of Public Comment

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

(19-W-0536SA1)

### NOTICE OF ADOPTION

#### Petition Regarding CDG Compensation

**I.D. No.** PSC-47-19-00013-A

**Filing Date:** 2020-03-19

**Effective Date:** 2020-03-19

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

**Action taken:** On 3/19/20, the PSC adopted an order granting, in part, with modifications, New York State Energy Research and Development Authority's (NYSERDA) petition regarding compensation for Community Distributed Generation (CDG) projects.

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

**Subject:** Petition regarding CDG compensation.

**Purpose:** To grant, in part, with modifications, NYSERDA's petition regarding CDG compensation.

**Substance of final rule:** The Commission, on March 19, 2020, adopted an order granting, in part, with modifications, New York State Energy Research and Development Authority's (NYSERDA) petition regarding compensation for Community Distributed Generation (CDG) projects. New York State Electric & Gas Corporation (NYSEG), Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), and Rochester Gas and Electric Corporation (RG&E) are directed to file, in conformance with the discussion in the body of the Order, tariff leaves implementing the modifications to the Value of Distributed Energy Resources policy and to the Value Stack in the order, on not less than 20 days' notice to become



effective on May 1, 2020. NYSEG, National Grid and RG&E shall reallocate capacity that had been allocated to cancelled projects to the new Community Credit Tranche 2 to maintain total cumulative Market Transition Credit (MTC) and Community Credit capacity of 318 MW in NYSEG, 620 MW in National Grid, and 150 in RG&E NYSEG, National Grid, and RG&E shall each continue to reallocate capacity in this way until the later of November 1, 2020, or the first month in which the Community Credit Tranche 2 is full and there are no project cancellations. NYSEG, National Grid and RG&E are directed to provide updates at least once per month to NYSERDA including the current capacity in each Tranche and a list of any projects that are eligible for Community Credit Tranche 2 but have not yet been allocated capacity, in the order that those projects met the milestone for being assigned to a Tranche, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(15-E-0751SA30)

## NOTICE OF ADOPTION

### Transfer of Street Lighting Facilities

**I.D. No.** PSC-49-19-00004-A

**Filing Date:** 2020-03-19

**Effective Date:** 2020-03-19

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

**Action taken:** On 3/19/20, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition for authority to transfer street lighting facilities located within the Town of Eden (Eden) to Eden.

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

**Subject:** Transfer of street lighting facilities.

**Purpose:** To approve National Grid's petition to transfer street lighting facilities to the Town of Eden.

**Substance of final rule:** The Commission, on March 19, 2020, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's petition for authority to transfer street lighting facilities located within the Town of Eden to the Town of Eden, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(19-E-0694SA1)

## NOTICE OF ADOPTION

### Transfer of Street Lighting Facilities

**I.D. No.** PSC-49-19-00005-A

**Filing Date:** 2020-03-19

**Effective Date:** 2020-03-19

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

**Action taken:** On 3/19/20, the PSC adopted an order approving Rochester Gas and Electric Corporation's (RG&E) petition for authority to transfer street lighting facilities located within the Town of Farmington (Farmington) to Farmington.

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

**Subject:** Transfer of street lighting facilities.

**Purpose:** To approve RG&E's petition for authority to transfer street lighting facilities to the Town of Farmington.

**Substance of final rule:** The Commission, on March 19, 2020, adopted an order approving Rochester Gas and Electric Corporation's petition for authority to transfer street lighting facilities located within the Town of Farmington to the Town of Farmington, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(19-E-0693SA1)

## NOTICE OF ADOPTION

### Clarification and Modification of the DCFC Program

**I.D. No.** PSC-50-19-00005-A

**Filing Date:** 2020-03-19

**Effective Date:** 2020-03-19

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

**Action taken:** On 3/19/20, the PSC adopted an order providing clarification to certain elements of the Direct Current Fast Charging (DCFC) Per-Plug Incentive Program and directed modifications to other DCFC Program rules.

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

**Subject:** Clarification and modification of the DCFC Program.

**Purpose:** To provide clarification and modification of the DCFC Program.

**Substance of final rule:** The Commission, on March 19, 2020, adopted an order providing clarification to certain elements of the Direct Current Fast Charging (DCFC) Per-Plug Incentive Program and directed modifications to other program rules. Central Hudson Gas & Electric Corporation (Central Hudson), Consolidated Edison Company of New York, Inc. (Con Edison), New York State Electric & Gas Corporation (NYSEG), Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), Orange and Rockland Utilities, Inc. (O&R), and Rochester Gas and Electric Corporation (RG&E) are directed to modify their direct current fast charger per-plug incentive programs consistent with the discussion in the body of this order and Attachment A, to be effective upon issuance of the order. Central Hudson, Con Edison, NYSEG, National Grid, O&R and RG&E are also directed to update the direct current fast charger per-plug incentive program sections on the electric vehicle charging station information websites with the program changes directed in the body of the order within 60 days of the date this order is issued, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(18-E-0138SA3)

## NOTICE OF ADOPTION

### Tariff Amendments

**I.D. No.** PSC-50-19-00007-A

**Filing Date:** 2020-03-19

**Effective Date:** 2020-03-19

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

**Action taken:** On 3/19/20, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to P.S.C. Nos. 10 and 12, effective April 1, 2020.

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

**Subject:** Tariff amendments.

**Purpose:** To approve Con Edison's tariff amendments.

**Substance of final rule:** The Commission, on March 19, 2020, adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to P.S.C. Nos. 10 – Electricity and 12 – PASNY, to allow New York Power Authority (NYPA) customers to participate in Community Distributed Generation projects with non-NYPA customers, facilitating the development of additional distributed generation and allowing both NYPA and non-NYPA customers to benefit through shared participation in that distributed generation. The tariff amendments listed in the Appendix shall become effective on April 1, 2020. Con Edison is directed to file, on not less than one day's notice to become effective April 1, 2020, Second Revised Leaf No. 253.4.3 and Fourth Revised Leaf No. 253.5 incorporating previously approved provisions by the Commission in Case 15-E-0751, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(19-E-0723SA1)

## NOTICE OF ADOPTION

### Submetering of Electricity

**I.D. No.** PSC-52-19-00004-A

**Filing Date:** 2020-03-19

**Effective Date:** 2020-03-19

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

**Action taken:** On 3/19/20, the PSC adopted an order approving Fourth Street Troy, LLC's (Fourth Street Troy) notice of intent to submeter electricity at 100 Congress Street, Troy, 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 Fourth Street Troy's notice of intent to submeter electricity.

**Substance of final rule:** The Commission, on March 19, 2020, adopted an order approving Fourth Street Troy, LLC's notice of intent to submeter electricity at 100 Congress Street, Troy, 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.

**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-0743SA1)

## NOTICE OF ADOPTION

### Amendments to Gas Safety Regulations in 16 NYCRR

**I.D. No.** PSC-53-19-00003-A

**Filing Date:** 2020-03-20

**Effective Date:** 2020-03-20

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

**Action taken:** On 3/19/20, the PSC adopted a memorandum and resolution adopting amendments pertaining to gas safety regulations in 16 NYCRR Part 262, Drug and Alcohol Testing.

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

**Subject:** Amendments to gas safety regulations in 16 NYCRR.

**Purpose:** To adopt a memorandum and resolution adopting amendments pertaining to gas safety regulations in 16 NYCRR.

**Substance of final rule:** The Commission, on March 19, 2020, adopted a memorandum and resolution adopting amendments pertaining to gas safety regulations in 16 NYCRR Part 262, Drug and Alcohol Testing to ensure conformance with Title 49, Code of Federal Regulations, Part 199, Drug and Alcohol Testing.

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

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

**Assessment of Public Comment**

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

(19-G-0181SA1)

## NOTICE OF ADOPTION

### Amendments to Gas Safety Regulations in 16 NYCRR

**I.D. No.** PSC-53-19-00004-A

**Filing Date:** 2020-03-20

**Effective Date:** 2020-03-20

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

**Action taken:** On 3/19/20, the PSC adopted a memorandum and resolution adopting amendments pertaining to gas safety regulations in 16 NYCRR Part 10, Referenced Material and 16 NYCRR Part 255, Transmission and Distribution of Gas.

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

**Subject:** Amendments to gas safety regulations in 16 NYCRR.

**Purpose:** To adopt a memorandum and resolution adopting amendments pertaining to gas safety regulations in 16 NYCRR.

**Substance of final rule:** The Commission, on March 19, 2020, adopted a memorandum and resolution adopting amendments pertaining to gas safety regulations in 16 NYCRR Part 10, Referenced Material and 16 NYCRR Part 255, Transmission and Distribution of Gas to ensure conformance with Title 49, Code of Federal Regulations, Part 192, Transportation of Natural and Other Gas by Pipeline.

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

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

**Assessment of Public Comment**

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

(19-G-0182SA1)

## NOTICE OF ADOPTION

### Extension of Financing Authority

**I.D. No.** PSC-53-19-00008-A

**Filing Date:** 2020-03-20

**Effective Date:** 2020-03-20

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

**Action taken:** On 3/19/20, the PSC adopted an order authorizing Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) for an extension of financing authority through March 31, 2021, to issue and sell up to \$1.14 billion of long-term debt.

**Statutory authority:** Public Service Law, section 69

**Subject:** Extension of financing authority.

**Purpose:** To authorize National Grid for a twelve month extension of financing authority.

**Substance of final rule:** The Commission, on March 19, 2020, adopted an order authorizing Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) to issue and sell up to \$1.14 billion of long-term debt in one or more transactions, not later than March 31, 2021. The proceeds from the issuance of these securities shall only be used for: a) the acquisition of property, the construction, completion, extension or improvement of petitioner's facilities or the improvement or maintenance of petitioner's service within the state (to the extent such expenditures exceed funds originating from credits to the accumulated provision for depreciation, net salvage and accumulated deferred income taxes) or b) the discharge or lawful refunding of National Grid's existing debt, or c) to reimburse National Grid's treasury for equivalent moneys expended for capital purposes prior to March 31, 2019, provided that it has kept its accounts and vouchers of such expenditures in such a manner as to enable the Commission to ascertain the amount of moneys so expended and the purposes for which such expenditures were made. The proceeds from the sale of the securities authorized by the Order shall be deposited in a special fund in a responsible banking institution. The proceeds shall be applied towards reimbursement of National Grid's treasury for equivalent monies expended for capital purposes up to and including March 31, 2019, the date of the historic reimbursement margin. Any remaining funds are to be used towards expenditures incurred after March 31, 2019, for purposes permitted under Public Service Law § 69 that shall be over and above the expenditures made for such purposes through funds originating from credits to accumulated provision for depreciation, net salvage and accumulated deferred income taxes. National Grid may use a portion or all of said remaining funds from time to time for other utility purposes during the period ending March 31, 2021, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(15-M-0509SA2)

## NOTICE OF ADOPTION

### Transfer of Street Lighting Facilities

**I.D. No.** PSC-53-19-00009-A

**Filing Date:** 2020-03-19

**Effective Date:** 2020-03-19

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

**Action taken:** On 3/19/20, the PSC adopted an order approving Rochester Gas and Electric Corporation's (RG&E) petition for authority to transfer street lighting facilities located within the Village of Sodus Point (Sodus Point) to Sodus Point.

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

**Subject:** Transfer of street lighting facilities.

**Purpose:** To approve RG&E's petition to transfer street lighting facilities to the Village of Sodus Point.

**Substance of final rule:** The Commission, on March 19, 2020, adopted an order approving Rochester Gas and Electric Corporation's petition for authority to transfer street lighting facilities located within the Village of Sodus Point to the Village of Sodus Point, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(19-E-0734SA1)

## NOTICE OF ADOPTION

### Tariff Amendments

**I.D. No.** PSC-53-19-00010-A

**Filing Date:** 2020-03-19

**Effective Date:** 2020-03-19

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

**Action taken:** On 3/19/20, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) tariff amendments to P.S.C. No. 220—Electricity, effective April 1, 2020.

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

**Subject:** Tariff amendments.

**Purpose:** To approve National Grid's tariff amendments.

**Substance of final rule:** The Commission, on March 19, 2020, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) tariff amendments to P.S.C. No. 220 – Electricity, to clarify the meaning of the term “customer” under Rule 28 – Special Services Performed by Company for Customer at a Charge. The tariff amendments listed in the Appendix shall become effective on April 1, 2020, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(19-E-0767SA1)

## NOTICE OF ADOPTION

### DLM Program Tariff Revisions

**I.D. No.** PSC-01-20-00007-A

**Filing Date:** 2020-03-20

**Effective Date:** 2020-03-20

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

**Action taken:** On 3/19/20, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) tariff revisions to its Dynamic Load Management (DLM) Program.

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

**Subject:** DLM Program tariff revisions.

**Purpose:** To approve National Grid's tariff revisions to its DLM Program.

**Substance of final rule:** The Commission, on March 19, 2020, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) tariff revisions to its Dynamic Load Management Program. National Grid shall file tariff revisions in compliance with the order to become effective on May 1, 2020 on not less than one day's notice, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(15-E-0189SA8)

## NOTICE OF ADOPTION

## DLM Program Tariff Revisions

I.D. No. PSC-01-20-00009-A

Filing Date: 2020-03-20

Effective Date: 2020-03-20

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

**Action taken:** On 3/19/20, the PSC adopted an order approving Rochester Gas and Electric's (RG&E) tariff revisions to its Dynamic Load Management (DLM) Program.

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

**Subject:** DLM Program tariff revisions.

**Purpose:** To approve RG&E's tariff revisions to its DLM Program.

**Substance of final rule:** The Commission, on March 19, 2020, adopted an order approving Rochester Gas and Electric's (RG&E) tariff revisions to its Dynamic Load Management Program tariffs. RG&E is directed to file, with an effective date of May 1, 2020, and on not less than fourteen days' notice, draft tariffs as tariff amendments, with the change required in the body of the Order, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(15-E-0190SA6)

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## Department of State

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### EMERGENCY RULE MAKING

#### New York State Uniform Fire Prevention and Building Code (the Uniform Code)

I.D. No. DOS-14-20-00002-E

Filing No. 228

Filing Date: 2020-03-19

Effective Date: 2020-03-19

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

**Action taken:** Addition of Subpart 1229-3 to Title 19 NYCRR.

**Statutory authority:** Executive Law, sections 377 and 378

**Finding of necessity for emergency rule:** Preservation of public health and public safety.

**Specific reasons underlying the finding of necessity:**

The State Fire Prevention and Building Code Council ("Code Council") and the Department of State have determined that immediate adoption of this rule on an emergency basis, as authorized by section 202 (6) of the State Administrative Procedure Act, is necessary to protect public health and safety, and that compliance with the requirements of subdivision one of section 202 of the State Administrative Procedure Act prior to the adoption of this rule would be contrary to the public interest, for the following reasons:

(1) The New York State Uniform Fire Prevention and Building Code ("Uniform Code"), which is adopted pursuant to Article 18 of the Executive Law and which is applicable in all parts of the State (except New York City, which has its own building code), does not currently have a provision that requires a property owner to provide written notice to his or her home heating oil supplier or suppliers to inform them of such conversion

to an alternate fuel following the abandonment or removal of a heating oil storage tank.

(2) This rule would amend the Uniform Code to include provisions addressing subdivision thirteen of Executive Law section 378, as amended and effective March 19, 2020, to include the aforementioned provision.

(3) Chapter 725 of the Laws of 2019 provides that the amendments to subdivision thirteen of Executive Law section 378 shall be effective on the ninetieth day it shall have become law, or March 19, 2020; provided, however, that effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the implementation of the amendments to Executive Law section 378 on its effective date are authorized to be made and completed on or before such effective date.

(4) A rule amending the Uniform Code to add this new provision is necessary.

(5) Developing, proposing, adopting, and implementing such a rule in compliance with the requirements of State Administrative Procedure Act section 202 (1) would delay the effective date of the rule.

(6) Adopting such a rule as an emergency rule, to be effective immediately upon the filing of the Notice of Emergency Adoption is necessary to protect public health and safety.

**Subject:** New York State Uniform Fire Prevention and Building Code (the Uniform Code).

**Purpose:** To amend the existing Uniform Code to add provisions relating to abandonment or removal of heating oil storage tanks.

**Text of emergency rule:**

Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by adding a new Subpart 1229-3 to read as follows:

*Subpart 1229-3*

*Abandonment or Removal of Heating Oil Storage Tanks*

*Section 1229-3.1 Introduction.*

*This Subpart amends the provisions relating to the abandonment or removal of heating oil storage tanks in the Uniform Code.*

*Section 1229-3.2 Purpose.*

*This Subpart implements the provisions of subdivision thirteen of section 378 of the Executive Law, as amended by Chapter 725 of the Laws of 2019.*

*Section 1229-3.3 Definitions.*

*In this Subpart, the following terms shall have the following meanings:*

(a) 2015 IFC. *The publication entitled 2015 International Fire Code (publication date: May 30, 2014, third printing) published by the International Code Council, Inc., as amended by the 2017 Uniform Code Supplement.*

(b) 2015 IRC. *The publication entitled 2015 International Residential Code (publication date: May 30, 2014, second printing) published by the International Code Council, Inc., as amended by the 2017 Uniform Code Supplement.*

(c) 2017 Uniform Code Supplement. *The publication entitled 2017 Uniform Code Supplement published by the New York State Department of State.*

*Section 1229-3.4 Amendments to the 2015 IFC.*

(a) *Section 202 of the 2015 IFC shall be deemed to be amended to add the following definition:*

*Heating oil storage tank. A tank used for storing heating oil for consumptive use on the premises where stored.*

(b) *Section 5704.2.16 of the 2015 IFC shall be deemed to be amended to read as follows:*

*5704.2.16 Abandonment or removal of heating oil storage tanks. The abandonment or removal of heating oil storage tanks and related piping shall be in accordance with all of the following:*

*1. The entire contents of the heating oil storage tank and related piping shall be emptied, cleaned, and purged of all vapor. The contents of the heating oil storage tank and related piping shall be removed from the premises and disposed of in accordance with applicable local, state or federal rules and regulations.*

*2. The suction, inlet, gauge, vapor return, and vapor lines shall be disconnected.*

*3. All fill piping and other related piping shall either be permanently removed or filled with concrete. All other remaining piping shall be capped or plugged.*

*Exception: Piping that is reused for the installation of a new heating oil storage tank and meets the applicable requirements for the new installation.*

*4. If abandoned in place, underground heating oil storage tanks shall be filled completely with an approved inert solid material. Above-ground heating oil storage tanks may either be filled with an approved inert solid*

material or if not filled with an approved inert solid material then the vent line shall remain open and intact. A record of tank size, location, and date of abandonment shall be retained by the property owner.

5. If removed, heating oil storage tanks shall be disposed of in accordance with applicable local, state, or federal rules and regulations.

6. An inspection by the building official or by an approved inspector is required to be made of the abandonment or removal of the heating oil storage tank. If an approved inspector performs such inspection, no approval of such abandonment or removal shall be granted by the building official unless written proof of the heating oil storage tank's oil fill pipe having been removed or filled with concrete in accordance with this section and the applicable provisions of the Uniform Code has been provided by the property owner to the building official.

7. When conversion to an alternate fuel has taken place and prior to the commencement of the new home heating service, property owners shall provide written notice to their home heating oil supplier or suppliers informing them of such conversion and instructing them to discontinue deliveries.

Section 1229-3.5 Amendments to the 2015 IRC.

(a) Section M2201.7 of the 2015 IRC shall be deemed amended to read as follows:

M2201.7 Tanks abandoned or removed. Tank abandonment and removal shall be in accordance with the International Fire Code and Appendix J of this code.

(b) Section AJ202 of Appendix J of the 2015 IRC is amended to add the following definition:

Heating oil storage tank. A tank used for storing heating oil for consumptive use on the premises where stored.

(c) Appendix J of the 2015 IRC is amended to add a new section AJ12 to read as follows:

#### AJ12

#### Abandonment or Removal of Heating Oil Storage Tanks

##### Section AJ1201

##### General

The abandonment or removal of heating oil storage tanks and related piping shall be in accordance with all of the following:

1. The entire contents of the heating oil storage tank and related piping shall be emptied, cleaned, and purged of all vapor. The contents of the heating oil storage tank and related piping shall be removed from the premises and disposed of in accordance with applicable local, state or federal rules and regulations.

2. The suction, inlet, gauge, vapor return, and vapor lines shall be disconnected.

3. All fill piping and other related piping shall either be permanently removed or filled with concrete. All other remaining piping shall be capped or plugged.

Exception: Piping that is reused for the installation of a new heating oil storage tank and meets the applicable requirements for the new installation.

4. If abandoned in place, underground heating oil storage tanks shall be filled completely with an approved inert solid material. Above-ground heating oil storage tanks may either be filled with an approved inert solid material or if not filled with an approved inert solid material then the vent line shall remain open and intact. A record of tank size, location, and date of abandonment shall be retained by the property owner.

5. If removed, heating oil storage tanks shall be disposed of in accordance with applicable local, state, or federal rules and regulations.

6. An inspection by the building official or by an approved inspector is required to be made of the abandonment or removal of the heating oil storage tank. If an approved inspector performs such inspection, no approval of such abandonment or removal shall be granted by the building official unless written proof of the heating oil storage tank's oil fill pipe having been removed or filled with concrete in accordance with this section and the applicable provisions of the Uniform Code has been provided by the property owner to the building official.

7. When conversion to an alternate fuel has taken place and prior to the commencement of the new home heating service, property owners shall provide written notice to their home heating oil supplier or suppliers informing them of such conversion and instructing them to discontinue deliveries.

Section 1229-3.6 Incorporation by reference.

(a) The following publications are hereby incorporated by reference into this Subpart.

(1) 2015 International Fire Code (2015 IFC), publication date: May 30, 2014, third printing, published by the International Code Council, Inc.

(2) 2015 International Residential Code (2015 IRC), publication date: May 30, 2014, second printing, published by the International Code Council, Inc.

(3) 2017 Uniform Code Supplement, publication date: July 2017, published by the New York State Department of State.

(b) Copies of the 2015 IFC and 2015 IRC may be obtained from the publisher at the following address:

International Code Council, Inc.  
500 New Jersey Avenue, NW, 6th Floor  
Washington, DC 20001

(c) Copies of the 2017 Uniform Code Supplement may be obtained from the New York State Department of State at the following address:

New York State Department of State  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231-0001

(d) All publications incorporated by reference into this Subpart are available for public inspection and copying at:

New York State Department of State  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231-0001

**This notice is intended** to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires May 12, 2020.

**Text of rule and any required statements and analyses may be obtained from:** Kevin Duerr-Clark, Department of State, 99 Washington Avenue, Suite 1160, Albany, NY 12231, (518) 474-4073, email: kevin.duerr-clark@dos.ny.gov

#### Additional matter required by statute:

The State Fire Prevention and Building Code Council ("Code Council") and the Department of State have determined that making this rule and the amendments to the New York State Uniform Fire Prevention and Building Code (the "Uniform Code") made by this rule effective immediately upon the filing of the Notice of Emergency Adoption, as authorized by Executive Law section 378(18)(a)(i), is necessary to protect health, safety, and security, for the following reasons:

(1) The Uniform Code, which is adopted pursuant to Article 18 of the Executive Law and which is applicable in all parts of the State (except New York City, which has its own building code), does not currently have a provision that requires a property owner to provide written notice to his or her home heating oil supplier or suppliers to inform them of such conversion to an alternate fuel following the abandonment or removal of a heating oil storage tank.

(2) This rule would amend the Uniform Code to include provisions addressing subdivision thirteen of Executive Law section 378, as amended and effective March 19, 2020, to include the aforementioned provision.

(3) Chapter 725 of the Laws of 2019 provides that the amendments to subdivision thirteen of Executive Law section 378 shall be effective on the ninetieth day it shall have become law, or March 19, 2020; provided, however, that effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the implementation of the amendments to Executive Law section 378 on its effective date are authorized to be made and completed on or before such effective date.

(4) A rule amending the Uniform Code to add this new provision is necessary.

(5) Developing, proposing, adopting, and implementing such a rule to become effective at least ninety days after the date on which notice of such change has been published in the State Register would delay the effective date of the rule.

(6) Adopting such a rule as an emergency rule, to be effective immediately upon the filing of the Notice of Emergency Adoption is necessary to protect health, safety, and security.

#### Regulatory Impact Statement

##### 1. STATUTORY AUTHORITY

This rule amends the New York State Uniform Fire Prevention and Building Code ("Uniform Code") by amending existing and adding new provisions relating to the abandonment or removal of heating oil storage tanks, i.e. tanks used for storing heating oil for consumptive use on the premises where stored. This rule is adopted by the State Fire Prevention and Building Code Council ("Code Council"), a council established by Article 18 of the Executive Law.

The statutory authority for this rule is Executive Law § 377(1), which authorizes the Code Council to formulate the Uniform Code and, from time to time, to amend particular provisions of the Uniform Code.

##### 2. LEGISLATIVE OBJECTIVES

Executive Law § 371(2) provides that it is the public policy of the State of New York to provide for the promulgation of a Uniform Code addressing building construction and fire prevention in order to provide a basic minimum level of protection to all people of the state from hazards of fire and inadequate building construction. Executive Law § 371(2) further

provides that in providing for such Uniform Code, it is the policy of this State to reconcile the myriad existing and potentially conflicting regulations which apply to different types of buildings and occupancies; to place public and private buildings on an equal plane with respect to fire prevention and adequacy of building construction; to require new and existing buildings alike to keep pace with advances in technology concerning fire prevention and building construction; and to provide protection to both residential and non-residential buildings.

The Legislative objectives will be achieved by adding new provisions to the Uniform Code relating to the abandonment or removal of heating oil storage tanks. These new provisions will require property owners to provide written notice to his or her home heating oil supplier or suppliers to inform them of such conversion to an alternative fuel prior to the commencement of the new home heating service.

### 3. NEEDS AND BENEFITS

This rule will amend the Uniform Code to add new provisions relating to abandonment or removal of heating oil storage tanks. Specifically, these new provisions will require property owners to provide written notice to his or her home heating oil supplier or suppliers to inform them of such conversion to an alternative fuel prior to the commencement of the new home heating service.

This new requirement in Executive Law § 378(13) was added by Chapter 725 of the Laws of 2019 (Bill No. S.3360-A/A6193-A). The Sponsor's Memorandum in Support of Legislation noted in part:

"This legislation would prevent oil from being delivered to homes that no longer use oil, but still have an oil intake valve on their property, which was previously used for oil deliveries. Oil companies have incorrectly pumped oil into this intake pipe only to fill basements with hundreds of gallons of fuel oil. Oil spills of this nature pollute the environment by poisoning the land, water and vegetation encompassed by these mistaken acts. Families are forced to move from their homes due to toxic fumes.

Homes have been severely damaged by trying to clean up these messes, which include: weakened foundations while removing tainted soil around the homes which also cracked walls of these homes, holes dug to remove oil filled with ground water which caused unsafe and dangerous environments for children and pets, oozing oil from the earth all around the property has killed vegetation and posed a threat to children and animals, venting systems had to be installed in basements to filter out fumes as per DEC regulation."

The rule will also make minor revisions to the existing requirements for the abandonment or removal of heating oil storage tanks for clarification and consistency with the provisions in the 2015 International Fire Code (2015 IFC). For example, the suction, inlet, gauge, vapor return, and vapor lines must be disconnected, and all other remaining piping must be capped or plugged for consistency with the requirements found in section 5704.2.13.1.4 of the 2015 IFC. The current 2015 IFC provisions requires underground tanks that are abandoned to be filled completely with an approved inert solid material; however, the Uniform Code provisions relating to heating oil storage tanks currently allows the vent line to remain open and intact unless the tank is filled with an inert material.<sup>1</sup> The estimated useful life of unprotected, single wall, steel underground fuel-oil tanks is 35 to 40 years which could result in empty voids left by tanks when the steel finally corrodes away. In order to improve the safeguarding of the public's health and safety, all underground tanks abandoned in place should be filled with an approved, inert solid material.<sup>2</sup> This rule will align the requirements of the current section 5704.2.16.

### 4. COSTS

There is minimal to no cost associated with this rule. For tanks removed or abandoned as part of the conversion to an alternate fuel, the requirement for the property owner to provide written notice to their home heating oil supplier or suppliers could be in the form of an email communication at no cost or in the form of a mailed letter with the added cost of postage. Additionally, the cost of keeping a record of the tank size, location, and the date of abandonment would be at minimal to no cost to the property owner.

With respect to minor revisions made to the existing requirements for clarification and consistency with the provisions in the 2015 IFC, the rule will add some minor costs to property owners. If converting the fuel source and abandoning the tank in place, the rule will now require the suction, inlet, gauge, vapor return, and vapor lines to be disconnected with minimal cost of approximately fifteen minutes of additional work with a building laborer at \$41.05 per hour based on the 2015 RSMeans Residential Cost Data. If converting and either abandoning the tank in place or removing the tank, the rule will now require all other remaining piping to be capped or plugged at the cost of a pipe plug.<sup>3</sup> If converting and in the event that an underground tank is abandoned, the rule now requires such tank be filled completely with an approved inert solid material. Such cost will vary depending upon the tank size, location, and inert material used but will be approximately \$35 per 100-gallon tank plus material delivery.<sup>4</sup>

For tanks abandoned or removed that are not part of a conversion to an

alternative fuel source, there is no anticipated cost associated with this rule.

### 5. LOCAL GOVERNMENT MANDATES

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

### 6. PAPERWORK

This rule will not impose any reporting requirements for local governments but will require property owners who abandon heating oil storage tanks to retain records of the abandonment of such tanks and to provide written notice to their home supplier or suppliers. Code enforcement officials may require a copy of such written notice provided to the suppliers in order to issue a certificate of compliance or completion with respect to any building permit issued for removal or abandonment of a heating oil storage tank.

### 7. DUPLICATION

The rule does not duplicate any existing Federal or State requirement.

### 8. ALTERNATIVES

Chapter 725 of the Laws of 2019 requires the Department of State and the Code Council to amend the Uniform Code to include the new requirements of Executive Law § 378(13). The alternative of making no change to the Uniform Code provisions relating to abandonment or removal of heating oil storage tanks was therefore rejected.

### 9. FEDERAL STANDARDS

There are no standards of the Federal Government which address the subject matter of the rule.

### 10. COMPLIANCE SCHEDULE

This rule will become effective immediately upon filing. Regulated parties will be able to comply with this rule immediately.

<sup>1</sup> See section 5704.2.16 of the 2015 IFC as added by the 2017 Uniform Code Supplement.

<sup>2</sup> See 2015 IFC commentary for section 5704.2.13.1.4.

<sup>3</sup> Cost will vary based on pipe sizes, material of pipe and cap used, and number of pipes abandoned. Price would range from \$0 to \$20 per fitting.

<sup>4</sup> Based on 2015 RSMeans Residential Cost Data, general fill by hand is \$27.50 per.67 CY, borrow bank sand is \$17.85 per 1.0 LCY, hauling materials at 35-minute wait/load/travel at 30 mph would be 11.50/LCY or 7.71/0.67 LCY. However, hauling in small quantities is better set up for a base rate than per LCY which would suggest adding a base fee of \$50. Accordingly, a 500-gallon tank would cost approximately \$175 plus a \$50 base fee to fill.

### Regulatory Flexibility Analysis

#### 1. EFFECT OF RULE:

This rule amends the New York State Uniform Fire Prevention and Building Code ("Uniform Code") by amending existing and adding new provisions relating to the abandonment or removal of heating oil storage tanks, i.e. tanks used for storing heating oil for consumptive use on the premises where stored. This rule is adopted by the State Fire Prevention and Building Code Council ("Code Council"), a council established by Article 18 of the Executive Law. The Uniform Code is applicable in all areas of the State with the exception of the City of New York.

This rule has the potential to affect small business that install, service, or remove heating oil storage tanks in all areas of the State except the City of New York. Small businesses that install, service, or remove heating oil storage tanks are subject to the provisions of the Uniform Code and therefore will be required to comply with this rule.

Since this rule amends provisions in the Uniform Code, each local government that is responsible for administering and enforcing the Uniform Code will be affected by this rule. The Department of State (DOS) estimates that approximately 1,600 local governments (mostly cities, towns and villages, as well as several counties) are responsible for administering and enforcing the Uniform Code. Local governments will be affected by this rule if the government abandons or removes heating oil storage tanks that are subject to the provisions of the Uniform Code. In those circumstances, a local government is in no different situation than that of any building owner or operator, public or private. Therefore, adoption of this rule making will affect cities, towns, and villages of the State with the exception of the City of New York.

#### 2. COMPLIANCE REQUIREMENTS:

This rule will not impose any reporting requirements for local governments but will require property owners who abandon heating oil storage tanks to retain records of the abandonment of such tanks and to provide written notice to their home supplier or suppliers.

Small businesses and local governments subject to the rule will be required to abandon or remove heating oil storage tanks in accordance with the rule's provisions. In most cases, such abandonment or removal

will involve the issuance of a building permit; in such cases, the local government responsible for administering and enforcing the Uniform Code will be required to consider the requirements of this rule when reviewing plans and inspecting work.

### 3. PROFESSIONAL SERVICES:

The rule will amend the requirements within the Uniform Code relating to abandonment and removal of heating oil storage tanks. Code enforcement officials may require a copy of such written notice provided to the suppliers in order to issue a certificate of compliance or completion with respect to any building permit issued for removal or abandonment of a heating oil storage tank. The existing Uniform Code requirements already require professional services when abandoning or removing heating oil storage tanks.

### 4. COMPLIANCE COSTS:

There is minimal to no cost associated with this rule. For tanks removed or abandoned as part of the conversion to an alternate fuel, the requirement for the property owner to provide written notice to their home heating oil supplier or suppliers could be in the form of an email communication at no cost or in the form of a mailed letter with the added cost of postage. Additionally, the cost of keeping a record of the tank size, location, and the date of abandonment would be at minimal to no cost to the property owner.

With respect to minor revisions made to the existing requirements for clarification and consistency with the provisions in the 2015 IFC, the rule will add some minor costs to property owners. If converting the fuel source and abandoning the tank in place, the rule will now require the suction, inlet, gauge, vapor return, and vapor lines to be disconnected with minimal cost of approximately fifteen minutes of additional work with a building laborer at \$41.05 per hour based on the 2015 RSMeans Residential Cost Data. If converting and either abandoning the tank in place or removing the tank, the rule will now require all other remaining piping to be capped or plugged at the cost of a pipe plug.<sup>1</sup> If converting and in the event that an underground tank is abandoned, the rule now requires such tank be filled completely with an approved inert solid material. Such cost will vary depending upon the tank size, location, and inert material used but will be approximately \$35 per 100-gallon tank plus material delivery.<sup>2</sup>

For tanks abandoned or removed that are not part of a conversion to an alternative fuel source, there is no anticipated cost associated with this rule.

### 5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

It is economically and technologically feasible for regulated parties to comply with the rule. This rule imposes no substantial capital expenditures. No new technology need be developed for compliance with this rule.

### 6. MINIMIZING ADVERSE IMPACT:

The economic impact of this rule on small businesses and local governments will be no greater than the economic impact of this rule on other regulated parties, and the ability of small businesses and local governments to comply with the requirements of this rule should be no less than the ability of other regulated parties to comply. Providing exemptions from coverage by the rule was not considered because such exemptions would endanger public safety.

### 7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION:

DOS notified interested parties throughout the State of proposed text of this rule by posting a notice on the Department's website, and publishing a notice in Building New York, an electronic news bulletin covering topics related to the Uniform Code and the construction industry which is prepared by DOS and which is currently distributed to approximately 10,000 subscribers, including local governments, design professionals and others involved in all aspects of the construction industry.

DOS has posted the full text of this rule on its website.

<sup>1</sup> Cost will vary based on pipe sizes, material of pipe and cap used, and number of pipes abandoned. Price would range from \$0 to \$20 per fitting.

<sup>2</sup> Based on 2015 RSMeans Residential Cost Data, general fill by hand is \$27.50 per.67 CY, borrow bank sand is \$17.85 per 1.0 LCY, hauling materials at 35-minute wait/load/travel at 30 mph would be 11.50/LCY or 7.71/0.67 LCY. However, hauling in small quantities is better set up for a base rate than per LCY which would suggest adding a base fee of \$50. Accordingly, a 500-gallon tank would cost approximately \$175 plus a \$50 base fee to fill.

#### *Rural Area Flexibility Analysis*

##### 1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS.

This rule amends the New York State Uniform Fire Prevention and Building Code ("Uniform Code") by amending existing and adding new provisions relating to the abandonment or removal of heating oil storage tanks, i.e. tanks used for storing heating oil for consumptive use on the premises where stored. This rule is adopted by the State Fire Prevention

and Building Code Council ("Code Council"), a council established by Article 18 of the Executive Law. Since the Uniform Code applies in all areas of the State (with the exception of New York City), this rule will apply in all rural areas of the State.

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

This rule will not impose any reporting requirements for local governments but will require property owners who abandon heating oil storage tanks to retain records of the abandonment of such tanks and to provide written notice to their home supplier or suppliers. Code enforcement officials may require a copy of such written notice provided to the suppliers in order to issue a certificate of compliance or completion with respect to any building permit issued for removal or abandonment of a heating oil storage tank. Building owners typically rely on professionals for their expertise in building regulations with respect to abandonment or removal of heating oil storage tanks. The need for professionals in rural areas does not differ from such need in non-rural areas.

### 3. COMPLIANCE COSTS.

There is minimal to no cost associated with this rule. For tanks removed or abandoned as part of the conversion to an alternate fuel, the requirement for the property owner to provide written notice to their home heating oil supplier or suppliers could be in the form of an email communication at no cost or in the form of a mailed letter with the added cost of postage. Additionally, the cost of keeping a record of the tank size, location, and the date of abandonment would be at minimal to no cost to the property owner.

With respect to minor revisions made to the existing requirements for clarification and consistency with the provisions in the 2015 IFC, the rule will add some minor costs to property owners. If converting the fuel source and abandoning the tank in place, the rule will now require the suction, inlet, gauge, vapor return, and vapor lines to be disconnected with minimal cost of approximately fifteen minutes of additional work with a building laborer at \$41.05 per hour based on the 2015 RSMeans Residential Cost Data. If converting and either abandoning the tank in place or removing the tank, the rule will now require all other remaining piping to be capped or plugged at the cost of a pipe plug.<sup>1</sup> If converting and in the event that an underground tank is abandoned, the rule now requires such tank be filled completely with an approved inert solid material. Such cost will vary depending upon the tank size, location, and inert material used but will be approximately \$35 per 100-gallon tank plus material delivery.<sup>2</sup>

For tanks abandoned or removed that are not part of a conversion to an alternative fuel source, there is no anticipated cost associated with this rule.

Any variation in costs of complying with this rule for different types of public and private entities in rural areas will be attributable to the size of the heating oil storage tanks, and not to the nature or type of such entities or to the location of such entities in rural areas.

### 4. MINIMIZING ADVERSE IMPACT.

The economic impact of this rule in rural areas will be no greater than the economic impact of this rule in non-rural areas, and the ability of individuals or public or private entities located in rural areas to comply with the requirements of this rule should be no less than the ability of individuals or public or private entities located in non-rural areas. Providing exemptions from coverage by the rule was not considered because such exemptions would endanger public safety.

### 5. RURAL AREA PARTICIPATION.

The Department of State notified interested parties throughout the State of proposed text of this rule by posting a notice on the Department's website, and publishing a notice in Building New York, an electronic news bulletin covering topics related to the Uniform Code and the construction industry which is prepared by the Department of State and which is currently distributed to approximately 10,000 subscribers, including local governments, design professionals and others involved in all aspects of the construction industry in all areas of the State, including rural areas.

The Department of State has posted the full text of this rule on the Department's website.

<sup>1</sup> Cost will vary based on pipe sizes, material of pipe and cap used, and number of pipes abandoned. Price would range from \$0 to \$20 per fitting.

<sup>2</sup> Based on 2015 RSMeans Residential Cost Data, general fill by hand is \$27.50 per.67 CY, borrow bank sand is \$17.85 per 1.0 LCY, hauling materials at 35-minute wait/load/travel at 30 mph would be 11.50/LCY or 7.71/0.67 LCY. However, hauling in small quantities is better set up for a base rate than per LCY which would suggest adding a base fee of \$50. Accordingly, a 500-gallon tank would cost approximately \$175 plus a \$50 base fee to fill.

#### *Job Impact Statement*

The Department of State has determined that this rule will not have a substantial adverse impact on jobs and employment opportunities.

This rule amends the New York State Uniform Fire Prevention and Building Code (“Uniform Code”) by amending existing and adding new provisions relating to the abandonment or removal of heating oil storage tanks, i.e. tanks used for storing heating oil for consumptive use on the premises where stored. The existing Uniform Code requirements already require professional services when abandoning or removing heating oil storage tanks.

Therefore, the Department of State concludes that this rule will not have a substantial adverse impact on jobs and employment opportunities, but it is anticipated that this rule may have a positive impact on jobs and employment opportunities in New York State with respect to entities that install, service, or remove heating oil storage tanks.

## AMENDED NOTICE OF ADOPTION

### State Uniform Fire Prevention and Building Code (the Uniform Code)

**I.D. No.** DOS-27-19-00014-AA

**Filing No.** 243

**Filing Date:** 2020-03-23

**Effective Date:** 2020-05-12

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

**Action taken:** Repeal of Parts 1219 – 1229; addition of new Parts 1219 – 1227; amendment of sections 1264.4(b), (e), 1265.3 (c), (h), (j) and (k) of Title 19 NYCRR.

**Amended action:** This action amends the rule that was filed with the Secretary of State on January 28, 2020, to be effective May 12, 2020, File No. 00061. The notice of adoption, I.D. No. DOS-27-19-00014-A, was published in the February 12, 2020 issue of the *State Register*.

**Statutory authority:** Executive Law, sections 377, 382-a, and 382-b

**Subject:** State Uniform Fire Prevention and Building Code (the Uniform Code).

**Purpose:** To repeal the existing Uniform Code and adopt a new Uniform Code and make conforming changes to 19 NYCRR Parts 1264 and 1265.

**Substance of amended rule:** This rule making would repeal the current versions of Parts 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, and 1227 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York and add new Parts. The individual Parts pertain to specified portions of the Uniform Fire Prevention and Building Code and are summarized below:

#### PART 1219. NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

##### Section 1219.1 New York State Uniform Fire Prevention and Building Code.

The New York State Uniform Fire Prevention and Building Code (the Uniform Code), adopted pursuant to Article 18 of the Executive Law, includes Part 1220 (Residential Construction), Part 1221 (Building Construction), Part 1222 (Plumbing Systems), Part 1223 (Mechanical Systems), Part 1224 (Fuel Gas Equipment and Systems), Part 1225 (Fire Prevention), Part 1226 (Property Maintenance), and Part 1227 (Existing Buildings) of this Title and the publications incorporated by reference into those Parts.

##### Section 1219.2 Definitions.

(a) General. In Parts 1219 through 1227 of this Title, the following terms are defined:

- (1) 2020 BCNYS.
- (2) 2020 EBCNYS.
- (3) 2020 FCNYS.
- (4) 2020 FGCNYS.
- (5) 2020 MCNYS.
- (6) 2020 PCNYS.
- (7) 2020 PMCNYS.
- (8) 2020 RCNYS.
- (9) Accessory structure.
- (10) Agricultural building.
- (11) Bed and breakfast dwelling.
- (12) Dwelling.
- (13) Dwelling unit.
- (14) Existing building.
- (15) Guestroom.
- (16) Live/work unit.
- (17) Lodging house.
- (18) Story above grade plane.

(19) Townhouse.

(b) Other terms. Terms used in the definitions and not defined shall have the meanings ascribed to those terms in the 2020 BCNYS, 2020 EBCNYS, 2020 FCNYS, 2020 FGCNYS, 2020 MCNYS, 2020 PCNYS, 2020 PMCNYS, and/or 2020 RCNYS.

#### PART 1220. RESIDENTIAL CONSTRUCTION

##### Section 1220.1 Definitions.

In this Part, the terms 2020 BCNYS, 2020 RCNYS, bed and breakfast dwelling, dwelling, live/work unit, lodging house, story above grade plane, and townhouse are defined in 1219.2.

##### Section 1220.2 Requirements.

(a) General. Except as otherwise provided in subdivision (d), the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of the following buildings and structures shall comply with the provisions and requirements of the 2020 RCNYS:

(1) detached one-family dwellings that are not more than three stories above grade plane in height, and their accessory structures that are not more than three stories above grade plane in height;

(2) detached two-family dwellings that are not more than three stories above grade plane in height and in which each dwelling unit has a separate means of egress, and their accessory structures that are not more than three stories above grade plane in height;

(3) townhouses that are not more than three stories above grade plane in height, and their accessory structures that are not more than three stories above grade plane in height;

(4) bed and breakfast dwellings that are not more than three stories above grade plane in height, and their accessory structures that are not more than three stories above grade plane in height;

(5) live/work units that are located in townhouses that are not more than three stories above grade plane in height and comply with the requirements of Section 419 of the 2020 BCNYS, and their accessory structures that are not more than three stories above grade plane in height; and

(6) owner-occupied lodging houses that are not more than three stories above grade plane in height, have five or fewer guestrooms, and are provided with a residential fire sprinkler system complying with Section P2904 of the 2020 RCNYS, and their accessory structures that are not more than three stories above grade plane in height.

(b) Incorporation by reference. The 2020 RCNYS is incorporated herein by reference.

(c) Referenced standards. Certain published standards are denoted in the 2020 RCNYS as incorporated by reference.

(d) Exception. Notwithstanding the provisions of subdivision (a), application of the provisions and requirements of the 2020 BCNYS, rather than the provisions and requirements of the 2020 RCNYS, to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of any buildings or structures listed in subdivision (a) is permitted, provided that such construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal or demolition complies with all applicable provisions and requirements of the 2020 BCNYS.

##### Section 1220.3 Changes to the text of the 2020 RCNYS.

For the purposes of applying the 2020 RCNYS in this State, the 2020 RCNYS shall be deemed to be amended in the manner specified in this section 1220.3.

#### PART 1221. BUILDING CONSTRUCTION

##### Section 1221.1 Definitions.

In this Part, the terms 2020 BCNYS, 2020 RCNYS, and agricultural building are defined in 1219.2.

##### Section 1221.2 Requirements.

(a) General. Except as otherwise provided in subdivision (d), the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure, and every appurtenance connected or attached to any building or structure, shall comply with the provisions and requirements of the 2020 BCNYS.

(b) Incorporation by reference. The 2020 BCNYS is incorporated herein by reference.

(c) Referenced standards. Certain published standards are denoted in the 2020 BCNYS as incorporated by reference.

(d) Exceptions. Notwithstanding the provisions of subdivision (a):

(1) buildings and structures listed in section 1220.2(a) shall comply with the provisions and requirements of the 2020 RCNYS, except as otherwise provided in section 1220.2(d);

(2) agricultural buildings that are used directly and solely for agricultural purposes shall not be subject to the construction-related provisions and requirements of the 2020 BCNYS;

(3) construction trailers that are used as temporary offices for the purpose of monitoring construction at a construction site shall not be subject to the provisions and requirements of 2020 BCNYS;



(4) structures such as radio and television transmission, communication and wind generation towers, and ground-mounted photovoltaic arrays that are neither a building appurtenance nor are attached to a building shall not be subject to the provisions and requirements of the 2020 BCNYS; and

(5) standards for construction of sleeping quarters in a children's overnight camp as defined in Public Health Law section 1392(1) shall be governed by Public Health Law section 1394(1) and the regulations promulgated by the Public Health Council.

Section 1221.3 Changes to the text of the 2020 BCNYS.

For the purposes of applying the 2020 BCNYS in this State, the 2020 BCNYS shall be deemed to be amended in the manner specified in this section 1221.3.

#### PART 1222. PLUMBING SYSTEMS

##### Section 1222.1 Definitions.

In this Part, the terms 2020 EBCNYS, 2020 PCNYS, 2020 RCNYS, and agricultural building are defined in 1219.2.

##### Section 1222.2 Requirements.

(a) General. Except as otherwise provided in subdivision (d), the erection, installation, alteration, repair, relocation, replacement, addition to, use, and maintenance of plumbing systems and nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen, and sanitary and condensate vacuum collection systems, shall comply with the provisions and requirements of the 2020 PCNYS.

(b) Incorporation by reference. The 2020 PCNYS is incorporated herein by reference.

(c) Referenced standards. Certain published standards are denoted in the 2020 PCNYS as incorporated by reference.

(d) Exceptions. Notwithstanding the provisions of subdivision (a):

(1) buildings and structures listed in section 1220.2(a) shall comply with the provisions and requirements of the 2020 RCNYS, except as otherwise provided in section 1220.2(d);

(2) agricultural buildings that are used directly and solely for agricultural purposes shall not be subject to the construction-related provisions of the 2020 PCNYS; and

(3) plumbing systems in existing buildings that are undergoing repairs, alterations, changes in occupancy or construction of additions shall be permitted to comply with the provisions and requirements of the 2020 EBCNYS.

#### PART 1223. MECHANICAL SYSTEMS

##### Section 1223.1 Definitions.

In this Part, the terms 2020 EBCNYS, 2020 MCNYS, 2020 RCNYS, and agricultural building are defined in 1219.2.

##### Section 1223.2 Requirements.

(a) General. Except as otherwise provided in subdivision (d), the design, installation, maintenance, alteration, and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings shall comply with the provisions and requirements of the 2020 MCNYS.

(b) Incorporation by reference. The 2020 MCNYS is incorporated herein by reference.

(c) Referenced standards. Certain published standards are denoted in the 2020 MCNYS as incorporated by reference.

(d) Exceptions. Notwithstanding the provisions of subdivision (a):

(1) buildings and structures listed in section 1220.2(a) shall comply with the provisions and requirements of the 2020 RCNYS, except as otherwise provided in section 1220.2(d);

(2) agricultural buildings that are used directly and solely for agricultural purposes shall not be subject to the construction-related provisions of the 2020 MCNYS; and

(3) mechanical systems in existing buildings that are undergoing repairs, alterations, changes in occupancy or construction of additions shall be permitted to comply with the provisions and requirements of the 2020 EBCNYS.

#### PART 1224. FUEL GAS EQUIPMENT AND SYSTEMS

##### Section 1224.1 Definitions.

In this Part, the terms 2020 EBCNYS, 2020 FGCNYS, 2020 RCNYS, and agricultural building are defined in 1219.2.

##### Section 1224.2 Requirements.

(a) General. Except as otherwise provided in subdivision (d), the design, installation, maintenance, alteration, and inspection of fuel gas piping and equipment, fuel gas-fired appliances, and fuel gas-fired appliance venting systems that are (i) permanently installed and (ii) specifically addressed in the 2020 FGCNYS, shall comply with the provisions and requirements of the 2020 FGCNYS.

(b) Incorporation by reference. The 2020 FGCNYS is incorporated herein by reference.

(c) Referenced standards. Certain published standards are denoted in the 2020 FGCNYS as incorporated by reference.

(d) Exceptions. Notwithstanding the provisions of subdivision (a):

(1) buildings and structures listed in section 1220.2(a) shall comply

with the provisions and requirements of the 2020 RCNYS, except as otherwise provided in section 1220.2(d);

(2) agricultural buildings that are used directly and solely for agricultural purposes shall not be subject to the construction-related provisions of the 2020 FGCNYS; and

(3) fuel gas piping system in existing building that are undergoing repairs, alteration, or changes in occupancy or construction of additions shall comply with the provisions and requirements of the 2020 EBCNYS.

#### PART 1225. FIRE PREVENTION

##### Section 1225.1 Definitions.

In this Part, the term 2020 FCNYS are defined in 1219.2.

##### Section 1225.2 Requirements.

(a) General. All buildings and structures, whether currently existing or hereafter constructed; all premises; all processes; the storage, handling, or use of buildings, structures, materials, or devices; the occupancy and operation of buildings, structures, and premises; and the construction, extension, repair, alteration or removal of fire suppression and alarm systems, shall comply with the provisions and requirements of the 2020 FCNYS.

(b) Incorporation by reference.

The 2020 FCNYS is incorporated herein by reference.

(c) Referenced standards. Certain published standards are denoted in the 2020 FCNYS as incorporated by reference.

Section 1225.3 Changes to the text of the 2020 FCNYS.

For the purposes of applying the 2020 FCNYS in this State, the 2020 FCNYS shall be deemed to be amended in the manner specified in this section 1225.3.

#### PART 1226. PROPERTY MAINTENANCE

##### Section 1226.1 Definitions.

In this Part, the terms 2020 PMCNYS and existing building are defined in 1219.2.

##### Section 1226.2 Requirements.

(a) General. All existing buildings and all premises, and the occupancy and operation of all existing buildings and all premises, shall comply with the provisions and requirements of the 2020 PMCNYS.

(b) Incorporation by reference. The 2020 PMCNYS is incorporated herein by reference.

(c) Referenced standards. Certain published standards are denoted in the 2020 PMCNYS as incorporated by reference.

Section 1226.3 Changes to the text of the 2020 PMCNYS.

For the purposes of applying the 2020 PMCNYS in this State, the 2020 PMCNYS shall be deemed to be amended in the manner specified in this section 1226.3.

#### PART 1227. EXISTING BUILDINGS

##### Section 1227.1 Definitions.

In this Part, the terms 2020 EBCNYS, 2020 RCNYS, agricultural building, and existing building are defined in 1219.2.

##### Section 1227.2 Requirements.

(a) General. Except as otherwise provided in subdivision (d), the repair, alteration, change of occupancy, addition to, and relocation of existing buildings shall comply with the requirements of the 2020 EBCNYS.

(b) Incorporation by reference. The 2020 EBCNYS is incorporated herein by reference.

(c) Referenced standards. Certain published standards are denoted in the 2020 EBCNYS as incorporated by reference.

(d) Exception. Notwithstanding the provisions of subdivision (a):

(1) buildings and structures listed in section 1220.2(a) shall comply with the provisions and requirements of the 2020 RCNYS, except as otherwise provided in section 1220.2(d); and

(2) agricultural buildings that are used directly and solely for agricultural purposes shall not be subject to the construction-related provisions of the 2020 EBCNYS.

19 NYCRR Parts 1228 and 1229

This rule making would repeal 19 NYCRR Parts 1228 and 1229 in their entirety.

19 NYCRR Parts 1264 and 1265

This rule making would amend 19 NYCRR Parts 1264 and 1265 to reference the new versions of the Uniform Code (2020 BCNYS and 2020 RCNYS), as opposed to the existing versions of the Uniform Code (2015 IBC and 2015 IRC, as amended by the 2017 Uniform Code Supplement).

**Amended rule as compared with adopted rule:** Nonsubstantive revisions were made in sections 1220.3, 1221.3 and 1225.3.

**Text of amended rule and any required statements and analyses may be obtained from:** Emma Gonzalez-Laders, Department of State, 99 Washington Avenue, Suite 1160, Albany NY 12231, , (518) 473-4073, email:code.development@dos.ny.gov.

**Additional matter required by statute:** Executive Law § 378(18)(a) provides that except as otherwise provided by statute, no change to the Uniform Fire Prevention and Building Code ("Uniform Code") shall

become effective until at least ninety days after the date on which notice of such change has been published in the State Register, unless the State Fire Prevention and Building Code Council (“Code Council”) finds that (i) an earlier effective date is necessary to protect health, safety and security; or (ii) the change to the code will not impose any additional compliance requirements on any person. At its meeting held December 6, 2019, the Code Council voted to adopt a rule (the “Original Rule”) to amend the Uniform Code and the Code Council did not find that an earlier effective date was necessary to protect health, safety, and security or that the change to the Uniform Code would not impose any additional compliance requirements on any person. Therefore, the rule and the changes to the Uniform Code made by the rule will become effective ninety days after the date on which notice of such change has been published in the State Register. At its meeting held on March 6, 2020, the Code Council voted to adopt this rule (the “Amended Rule”), which amends the Original Rule. The Code Council found that making all changes made to the Uniform Code by the Amended Rule, including but not limited to the change made to the Original Rule by the Amended Rule, effective on May 12, 2020, the date on which the Original Rule was scheduled to have become effective, is necessary to protect health, safety, and security because delaying the effective date of the changes to the Uniform Code made by the Amended Rule until ninety days after publication of the Amended Notice of Adoption would unnecessarily delay the effective date of all of the improvements made to the Uniform Code by the Original Rule and by the Amended Rule. Therefore, the Amended Rule and the changes to the Uniform Code made by the Amended Rule will become effective on May 12, 2020. Pursuant to Executive Law § 377(1), Secretary of State Rosanna Rosado reviewed the amendment of the Uniform Code to be implemented by this Amended Rule, found that such amendment effectuates the purposes of Article 18 of the Executive Law, and therefore approved said amendment.

#### **Revised Regulatory Impact Statement**

##### **1. STATUTORY AUTHORITY**

Article 18 of the Executive Law (§ 370-383) establishes the State Fire Prevention and Building Code Council (“Code Council”) and authorizes such council to formulate a code to be known as the Uniform Fire Prevention and Building Code (“Uniform Code”).

Executive Law § 377 provides that the Uniform Code shall provide reasonably uniform standards and requirements for construction and construction materials for public and private buildings, including factory manufactured homes, consonant with accepted standards of engineering and fire prevention practices. Executive Law § 372(3) defines “building” as a combination of any materials, whether portable or fixed, having a roof, to form a structure affording shelter for persons, animals, or property. Included within the legislative findings and purposes for the Uniform Code is that such Uniform Code shall provide a basic minimum level of protection to all people of the State from hazards of fire and inadequate building construction and to reconcile the myriad of existing and potentially conflicting regulations which apply to different types of buildings and occupancies. See Executive Law § 371(2)(b)(1).

Executive Law § 378 provides that the Uniform Code shall address certain specified subjects. The subjects are listed in the full Regulatory Statement.

Chapter 725 of the Laws of 2019 amended Executive Law § 378(13), effective March 19, 2020, to require that the Uniform Code include a requirement that the property owner shall provide written notice to his or her home heating oil supplier or suppliers to inform them of such conversion to an alternative fuel prior to the commencement of the new home heating service.

Executive Law § 377(1) provides that the Code Council shall periodically review the entire Uniform Code to assure that it effectuates the purposes of Article 18 of the Executive Law and the specific objectives and standards set forth in such article. Executive Law § 377(1) also provides that the Code Council may from time to time amend particular provisions of the Uniform Code.

The current version of the Uniform Code is based on International Codes developed and published by the International Code Council (“ICC”). This rule making would repeal the current version of the Uniform Code which is based upon the 2015 editions of eight (8) individual model codes developed and published by the ICC, as modified by the 2017 Uniform Code Supplement, and adopt new text based primarily upon the 2018 editions of model codes developed by the ICC, with modifications to accommodate statutory requirements and to address concerns specific to New York State. The individual codes that would be included in the Uniform Code as proposed by this rule are as follows: the 2020 Residential Code of New York State (2020 RCNYS), the 2020 Building Code of New York State (2020 BCNYS), the 2020 Plumbing Code of New York State (2020 PCNYS), the 2020 Mechanical Code of New York State (2020

MCNYS), the 2020 Fuel Gas Code of New York State (2020 FGCNYS), the 2020 Fire Code of New York State (2020 FCNYS), the 2020 Property Maintenance Code of New York State (2020 PMCNYS), and the 2020 Existing Building Code of New York State (2020 EBCNYS), collectively the 2020 NYS Code books. Consequently, it is the determination of the Department of State and the Code Council that Executive Law § 377, the statutory authority for this particular rule making, authorizes the proposed regulation.

Please note that the State Energy Conservation Construction Code will be the subject of a separate rule making.

##### **2. LEGISLATIVE OBJECTIVES**

Executive Law § 371(2) states that it shall be the public policy of the State of New York to provide for promulgation of a Uniform Code addressing building construction and fire prevention in order to provide a basic minimum level of protection to all people of the State from the hazards of fire and inadequate building construction. The Code Council is assigned the task of formulating the Uniform Fire Prevention and Building Code.

Executive Law § 377 not only empowers the Code Council to amend provisions of the Uniform Code, it also directs the Code Council to periodically review the entire Uniform Code to assure that it effectuates the purposes, objectives and standards set forth in Article 18 of the Executive Law. Further, Executive Law § 371(2)(b)(4) provides that it is the policy of the State of New York to require new and existing buildings to keep pace with advances in technology concerning fire prevention and building construction.

Upon review of the current text of the Uniform Code, the Code Council has concluded that it would further the purposes, objectives, and standards of Article 18 to propose this rule, which would repeal the current Uniform Code text and replace it with updated text based upon the 2020 NYS Code books.

##### **3. NEEDS AND BENEFITS**

This rule making will repeal the current version of the Uniform Code and replace the text with the 2020 NYS Code books based primarily upon the 2018 editions of the ICC model codes.

This change is necessary for New York State to remain competitive with the rest of the nation in matters involving building construction and to provide an adequate level of building safety to its residents. It is also necessary to meet New York State’s goal to keep pace with evolving technology concerning fire prevention and building construction and to have a building and fire prevention code which is consistent with nationally accepted model codes.

Included in Item #3 of the full Regulatory Impact Statement, the Needs and Benefits of significant new provisions of the Uniform Code are discussed.

##### **4. COSTS**

###### **a. COST TO REGULATED PARTIES FOR THE IMPLEMENTATION OF, AND CONTINUING COMPLIANCE, WITH THE PROPOSED RULE**

Further information concerning the costs of significant provisions of the Uniform Code is discussed in the full Regulatory Impact Statement. The new provisions of the Uniform Code are expected to reduce some building and development costs and increase others. While costs vary depending on the construction or modification project, the Department does not anticipate that the costs will differ greatly from those associated with the current code. This rule reflects performance based regulatory requirements providing regulated parties more alternatives to protect the occupants and users of buildings while at the same time fulfilling programmatic space needs with the most cost-effective solution.

###### **b. COST TO THE AGENCY, THE STATE AND LOCAL GOVERNMENTS FOR THE IMPLEMENTATION OF, AND CONTINUED ADMINISTRATION OF, THE RULE**

The Department of State, State agencies that administer and enforce the Uniform Code, State agencies that own or construct buildings, and local governments that administer and enforce the Uniform Code will be required to obtain copies of the new code books. The set of code books will cost between approximately \$620 and \$862. Approximately 4,000 code enforcement officials in 1,600 municipalities will be affected by a new version of the Uniform Code.

Further information concerning costs and savings of the most significant of the new provisions of the Uniform Code are discussed within Item #3 of the full Regulatory Impact Statement.

##### **5. LOCAL GOVERNMENT MANDATES**

This rule making will impose some programs, services, duties and responsibilities upon counties, cities, towns, villages, school districts, fire districts and other special districts. When any of the aforementioned

governmental entities undertake the construction of a building or structure, the construction process is subject to the provisions of the proposed rule to the same extent that the construction of a private building or structure would be regulated.

Pursuant to Executive Law § 381, every city, town and village is responsible for administering and enforcing the Uniform Code. Consequently, local government personnel will require training in the details of this rule. However, the Department of State has funding available to provide for training local government code enforcement officials. This training will provide knowledge to enable local government to enforce this regulation.

#### 6. PAPERWORK

This rule will not impose any reporting requirements for local governments but will require property owners who abandon heating oil storage tanks to retain records of the abandonment of such tanks and to provide written notice to their home supplier or suppliers.

#### 7. DUPLICATION

The Uniform Code provides standards for the construction and maintenance of buildings and structures and for the protection of buildings and structures and their occupants from the hazards of fire. The federal government does not impose comprehensive requirements for these matters. The federal government has addressed the topic of accessible and usable facilities for persons with disabilities through adoption of the Americans with Disabilities Act (ADA) and the Fair Housing Act. Although the existence of federal and state standards may raise issues of overlap or conflict, no such overlap or conflict exists with this proposed rule.

Several State agencies have promulgated regulations which impose requirements upon buildings or structures that house activities licensed or regulated by the particular agency. Although such regulations may affect the construction and/or maintenance of particular buildings or structures, they are not a comprehensive building and fire prevention code like the Uniform Code. Such regulations may impose an additional layer of regulation upon the construction, maintenance, or use of certain categories of buildings. These other regulations, however, are focused upon activities or occupants regulated or protected by the particular State agency and have been promulgated pursuant to statutory authority other than Article 18 of the Executive Law. To the extent that any other State agency regulation conflicts with provisions of the Uniform Code, such other regulation is superseded by the code. See Executive Law § 383(1).

#### 8. ALTERNATIVES

It is the policy of the Department of State to modernize and amend the Uniform Code, so as to maintain consistency with the national model codes, to keep building practices in New York State consistent with practice nationally, and to incorporate new technical developments in a timely manner. Consequently, the alternative of maintaining existing provisions of the Uniform Code was rejected.

Proposed New York modifications were posted on the DOS website for public inspection. In addition, the Department maintains a list of over 10,000 interested parties that have signed up for e-bulletins regarding code issues and sent notice to such interested parties.

Public hearings were held in accordance with the provisions of the State Administrative Procedure Act.

#### 9. FEDERAL STANDARDS

The Uniform Code provides standards for the construction and maintenance of buildings and structures and for the protection of buildings and structures and their occupants from the hazards of fire. The federal government does not impose comprehensive requirements for these matters. The federal government has addressed the topic of accessible and usable facilities for persons with disabilities through adoption of the ADA and the Fair Housing Act. Although the existence of federal and state standards may raise issues of overlap or conflict, no such overlap or conflict exists with this proposed rule.

#### 10. COMPLIANCE SCHEDULE

At its meeting held December 6, 2019, the Code Council voted to adopt a rule (the "Original Rule") to amend the Uniform Code and the Code Council found that the rule and the changes to the Uniform Code made by the rule shall become effective ninety days after the date on which notice of such change has been published in the State Register. See Executive Law § 378(18).

At its meeting held on March 6, 2020, the Code Council voted to adopt this rule (the "Amended Rule"), which amends the Original Rule. The Code Council found that making all changes made to the Uniform Code by the Amended Rule, including but not limited to the change made to the Original Rule by the Amended Rule, effective on May 12, 2020, the date on which the Original Rule was scheduled to have become effective, is

necessary to protect health, safety, and security, because delaying the effective date of the changes to the Uniform Code may by the Amended Rule until ninety days after publication of the Amended Notice of Adoption would unnecessarily delay the effective date of all of the improvements made to the Uniform Code by the Original Rule and by the Amended Rule. Therefore, the Amended Rule and the changes to the Uniform Code made by the Amended Rule will become effective on May 12, 2020.

#### *Revised Regulatory Flexibility Analysis*

A Notice of Proposed Rule Making for a rule that would amend and update the State Uniform Fire Prevention and Building Code (the "Uniform Code") was published in the State Register on July 3, 2019. A Regulatory Flexibility Analysis for Small Businesses and Local Government was attached to and published with that Notice of Proposed Rule Making.

On December 6, 2019, the State Fire Prevention and Building Code Council (the "Code Council") adopted a rule (the "Original Rule") that amends and updates the Uniform Code. The Notice of Adoption of the Original Rule was published in the State Register on February 12, 2020. The effective date of the Original Rule is May 12, 2020.

The Original Rule made non-substantive changes to the rule text as originally proposed. Those non-substantive changes did not necessitate the issuance of a Revised Regulatory Flexibility Analysis for Small Businesses and Local Government.

On March 6, 2020, the Code Council adopted this rule (the "Amended Rule"), which amends the Original Rule. The Amended Rule makes the following changes to the Original Rule:

First, section 1220.3 of the Amended Rule was revised to amend provisions relating to abandonment or removal of heating oil storage tanks based on amendments to Executive Law § 378(13) pursuant to Chapter 725 of the Laws of 2019 and corrections were made to Table N1102.1.2, Section P2603.5.1, and Appendix J within the 2020 Residential Code of New York State.

Second, section 1221.3 of the Amended Rule was revised to correct the publisher's address of one of the publications being incorporated by reference (Steel Joist Institute, SJI 100-15) and to replace the previously incorporated by reference standard TIA 222-G-2005 with the updated version of TIA 222-H-2017 (second printing – June 25, 2018) within the 2020 Building Code of New York State.

Third, section 1225.3 of the Amended Rule was added to amend provisions relating to abandonment or removal of heating oil storage tanks based on amendments to Executive Law § 378(13) pursuant to Chapter 725 of the Laws of 2019 within the 2020 Fire Code of New York State.

Finally, section 1226.3 of the Amended Rule was added to amend the provisions relating to occupancy limitations in the 2020 Property Maintenance Code of New York State to exempt tiny houses constructed in accordance with the 2020 Residential Code of New York State and Appendix Q of the 2020 Residential Code of New York State.

The Amended Rule does not affect any matter discussed in the original Regulatory Flexibility Analysis for Small Businesses and Local Government published in the Notice of Proposed Rule Making.

The Department of State believes that the changes made to the Original Rule by this Amended Rule are not substantial revisions to the Original Rule. The changes do not affect the issues addressed in the original Regulatory Flexibility Analysis for Small Businesses and Local Government, and do not necessitate any changes to the original Regulatory Flexibility Analysis for Small Businesses and Local Government. Therefore, a Revised Regulatory Flexibility Analysis for Small Businesses and Local Government is not required.

#### *Revised Rural Area Flexibility Analysis*

A Notice of Proposed Rule Making for a rule that would amend and update the State Uniform Fire Prevention and Building Code (the "Uniform Code") was published in the State Register on July 3, 2019. A Rural Area Flexibility Analysis was attached to and published with that Notice of Proposed Rule Making.

On December 6, 2019, the State Fire Prevention and Building Code Council (the "Code Council") adopted a rule (the "Original Rule") that amends and updates the Uniform Code. The Notice of Adoption of the Original Rule was published in the State Register on February 12, 2020. The effective date of the Original Rule is May 12, 2020.

The Original Rule made non-substantive changes to the rule text as originally proposed. Those non-substantive changes did not necessitate the issuance of a Revised Rural Area Flexibility Analysis.

On March 6, 2020, the Code Council adopted this rule (the "Amended Rule"), which amends the Original Rule. The Amended Rule makes the following changes to the Original Rule:

First, section 1220.3 of the Amended Rule was revised to amend provisions relating to abandonment or removal of heating oil storage

tanks based on amendments to Executive Law § 378(13) pursuant to Chapter 725 of the Laws of 2019 and corrections were made to Table N1102.1.2, Section P2603.5.1, and Appendix J within the 2020 Residential Code of New York State.

Second, section 1221.3 of the Amended Rule was revised to correct the publisher's address of one of the publications being incorporated by reference (Steel Joist Institute, SJI 100-15) and to replace the previously incorporated by reference standard TIA 222-G-2005 with the updated version of TIA 222-H-2017 (second printing – June 25, 2018) within the 2020 Building Code of New York State.

Third, section 1225.3 of the Amended Rule was added to amend provisions relating to abandonment or removal of heating oil storage tanks based on amendments to Executive Law § 378(13) pursuant to Chapter 725 of the Laws of 2019 within the 2020 Fire Code of New York State.

Finally, section 1226.3 of the Amended Rule was added to amend the provisions relating to occupancy limitations in the 2020 Property Maintenance Code of New York State to exempt tiny houses constructed in accordance with the 2020 Residential Code of New York State and Appendix Q of the 2020 Residential Code of New York State.

The Amended Rule does not affect any matter discussed in the original Rural Area Flexibility Analysis published in the Notice of Proposed Rule Making.

The Department of State believes that the changes made to the Original Rule by this Amended Rule are not substantial revisions to the Original Rule. The changes do not affect the issues addressed in the original Rural Area Flexibility Analysis, and do not necessitate any changes to the original Rural Area Flexibility Analysis. Therefore, a Revised Rural Area Flexibility Analysis is not required.

#### **Job Impact Statement**

On December 6, 2019, the State Fire Prevention and Building Code Council (the "Code Council") adopted a rule (the "Original Rule") that amends and updates the State Fire Prevention and Building Code (the "Uniform Code"). The Notice of Adoption of the Original Rule was published in the State Register on February 12, 2020. The effective date of the Original Rule is May 12, 2020.

On March 6, 2020, the Code Council adopted a rule (the "Amended Rule") that amends the Original Rule. The Amended Rule makes non-substantive changes to the Original Rule.

The Department of State has determined that it is apparent from the nature and purpose of the Amended Rule that such Amended Rule will not have a substantial adverse impact on jobs and employment opportunities.

The Amended Rule repeals the current version of the Uniform Code and adopts a new and updated version of the Uniform Code.

The individual codes that are included in the Uniform Code as adopted by this rule are as follows: the 2020 Residential Code of New York State (2020 RCNYS), the 2020 Building Code of New York State (2020 BCNYS), the 2020 Plumbing Code of New York State (2020 PCNYS), the 2020 Mechanical Code of New York State (2020 MCNYS), the 2020 Fuel Gas Code of New York State (2020 FGCNYS), the 2020 Fire Code of New York State (2020 FCNYS), the 2020 Property Maintenance Code of New York State (2020 PMCNYS), and the 2020 Existing Building Code of New York State (2020 EBCNYS).

The ICC model codes incorporate the most current technology in the areas of building construction and fire prevention. ICC codes are updated on a three-year cycle to keep current with industry practice and technical and life-safety evolution. As a consequence, the Department of State concludes that this rule which is based upon the newer (2018) versions of the ICC Codes will not have an impact on current job trends in the construction of new buildings and rehabilitation of existing buildings. Therefore, this Amended Rule making will not have a substantial adverse impact on jobs and employment opportunities within New York.

## State University of New York

### NOTICE OF ADOPTION

#### **Tuition, Fees and Charges**

**I.D. No.** SUN-50-19-00001-A

**Filing No.** 244

**Filing Date:** 2020-03-24

**Effective Date:** 2020-04-08

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

**Action taken:** Amendment of section 302.18 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 355(2)(b) and (h)

**Subject:** Tuition, Fees and Charges.

**Purpose:** To authorize the waiver of admission application fees for military veterans and their spouses.

**Text or summary was published** in the December 11, 2019 issue of the Register, I.D. No. SUN-50-19-00001-EP.

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

**Text of rule and any required statements and analyses may be obtained from:** Lisa S. Campo, State University of New York, State University Plaza, Albany, NY 12246, (518) 320-1400, email:Lisa.Campo@SUNY.edu.

#### **Assessment of Public Comment**

The agency received no public comment.

### NOTICE OF ADOPTION

#### **Limitations on Operating Costs of Purposes of State Financial Assistance**

**I.D. No.** SUN-01-20-00001-A

**Filing No.** 245

**Filing Date:** 2020-03-24

**Effective Date:** 2020-04-08

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

**Action taken:** Amendment of section 602.8(a)(3) of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 355(2)(b) and (h)

**Subject:** Limitations on operating costs of purposes of State financial assistance.

**Purpose:** To determine how state appropriated reimbursement for rental costs for physical space will be distributed to community colleges.

**Text or summary was published** in the January 8, 2020 issue of the Register, I.D. No. SUN-01-20-00001-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Lisa S. Campo, State University of New York, State University Plaza, Albany, NY 12246, (518) 320-1400, email:Lisa.Campo@SUNY.edu.

#### **Assessment of Public Comment**

The agency received no public comment.

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### **Proposed Amendments to the Traffic and Parking Regulations at State University of New York System Administration**

**I.D. No.** SUN-14-20-00001-P

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

**Proposed Action:** Repeal of Part 587 and addition of new Part 587 to Title 8 NYCRR.

**Statutory authority:** Education Law, section 360(1)

**Subject:** Proposed amendments to the traffic and parking regulations at State University of New York System Administration.

**Purpose:** Amend existing regulations to update traffic and parking regulations.

**Substance of proposed rule (Full text is posted at the following State website: <https://system.suny.edu/proposed-regulations/>):** The operation of a motor vehicle on the property of the State University of New York System Administration is covered under section 360 of the Education Law which authorizes the State University to adopt and make applicable to its campuses any and all provisions of the Vehicle and Traffic Law. The regulations have been developed and are enforced to provide for the safety and convenience of students, faculty, employees and visitors upon the State University of New York System Administration. The proposed rule makes certain technical changes and amends existing regulations in regard to registration, permits, penalties, parking lots, fines and appeals.

**Text of proposed rule and any required statements and analyses may be obtained from:** Lisa Campo, State University of New York, System Administration, State University Plaza, S-313, Albany, NY 12246, (518) 320-1400, email: Lisa.Campo@SUNY.edu

**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: Education Law § 360(1) authorizes the State University Trustees to make rules and regulations relating to parking, vehicular and pedestrian traffic and safety on the State-operated campuses of the State University of New York.

2. Legislative objectives: The present measure makes technical amendments to the parking and traffic regulations applicable to the State University of New York System Administration.

3. Needs and benefits: The amendments are necessary to update existing regulations as a result of changes.

4. Costs: None.

5. Local government mandates: None.

6. Paperwork: None.

7. Duplication: None.

8. Alternatives: There are no viable alternatives.

9. Federal standards: There are no related Federal standards.

10. Compliance schedule: System Administration will notify those affected as soon as the rule is effective. Compliance should be immediate.

**Regulatory Flexibility Analysis**

No regulatory flexibility analysis is submitted with this notice because this proposal does not impose any requirements on small businesses and local governments. This proposed rule making will not impose any adverse economic impact on small businesses and local governments or impose any reporting, recordkeeping or other compliance requirements on small businesses and local governments. The proposal addresses internal parking and traffic regulations on the System Administration of the State University of New York.

**Rural Area Flexibility Analysis**

No rural area flexibility analysis is submitted with this notice because this proposal will not impose any adverse economic impact on rural areas or impose any reporting, record keeping or other compliance requirements on public or private entities in rural areas. The proposal addresses internal parking and traffic regulations on the System Administration of the State University of New York.

**Job Impact Statement**

No job impact statement is submitted with this notice because this proposal does not impose any adverse economic impact on existing jobs or employment opportunities. The proposal addresses internal parking and traffic regulations on the System Administration of the State University of New York.

**SUMMARY:** This document contains rules that amend the regulations of the Susquehanna River Basin Commission (Commission) dealing with the mitigation of consumptive uses.

**DATES:** This rule is effective on April 1, 2020.

**ADDRESSES:** Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.

**FOR FURTHER INFORMATION CONTACT:** Jason E. Oyler, Esq., General Counsel and Secretary, telephone: 717-238-0423, ext. 1312; fax: 717-238-2436; e-mail: joyler@srbc.net. Also, for further information, including the comment response document, visit the Commission's website at <http://www.srbc.net>.

**SUPPLEMENTARY INFORMATION:** Notice of proposed rulemaking was published in the Federal Register on September 13, 2019; New York Register on October 2, 2019; Pennsylvania Bulletin on September 21, 2019; and Maryland Register on October 11, 2019. The Commission convened a public hearing on October 31, 2019 in Harrisburg, Pennsylvania. A written comment period was held open through November 12, 2019. Concurrent with the proposed rule, the Commission also released a draft Consumptive Use Mitigation Policy for public review and comment.

The Commission received four comments on the proposed rule and policy. Two of the comments were fully supportive of the rule and policy and offered no suggested changes. The additional two comments were supportive but offered a few suggestions for revisions to the rule and/or the policy.

One commenter sought clarification of the term "present" low flow conditions in § 806.22(b)(1)(i) and offered alternative phrasing. The Commission believes the phrasing of the rule is not ambiguous and provided clarification in the comment response document. Two commenters asked for the Commission to further amend § 806.22(b)(1)(iii) related to discontinuance. One commenter wanted discontinuance to be limited to a 45 day period. This would be a new requirement and a change to the current practice that requires discontinuance to endure for the entire Commission declared low flow period, and the Commission declines to make this change. Another commenter suggested that 20,000 gallon per day threshold for discontinuance be on an average 30 day basis instead of a peak day basis established in the rulemaking. The Commission was purposeful in the discontinuance revision to be based on a peak day rate. The use of a 30-day average rate would be inappropriate given it would allow an exceedance of the Commission's regulatory threshold that could introduce impacts during Commission-designated low flow periods, which do not have a set minimum or maximum duration.

Accordingly, after thorough review and analysis of the comments, the Commission has not made any changes to the rulemaking as proposed. To the degree the comments seek clarification of the rules or explanation how they will be implemented, the Commission believes that can be addressed through explanation or clarifications in fact sheets, application instructions and other implementation documents. A more detailed comment response document has been prepared and is available upon request and also at the Commission's website listed above.

**List of Subjects in 18 CFR Part 806**

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission amends 18 CFR part 806 as follows:

**PART 806—REVIEW AND APPROVAL OF PROJECTS**

1. The authority citation for part 806 continues to read as follows: Authority: Secs. 3.4, 3.5 (5), 3.8, 3.10 and 15.2, Pub. L. 91-575, 84 Stat. 1509 et seq.

2. Amend § 806.22 by revising paragraphs (b)(1) and (e)(1) to read as follows:

§ 806.22 Standards for consumptive use of water.

\* \* \* \* \*

(b) \* \* \*

(1) During low flow periods as may be designated by the Commission for consumptive use mitigation.

(i) Reduce withdrawal from the approved source(s), in an amount equal to the project's consumptive use, and withdraw water from alternative surface water storage or aquifers or other underground storage chambers or facilities approved by the Commission, from which water can be withdrawn for a period of 45 continuous days such that impacts to nearby surface waters will not likely be at a magnitude or in a timeframe that would exacerbate present low flow conditions.

(ii) Release water for flow augmentation, in an amount equal to the project's consumptive use, from surface water storage or aquifers, or other underground storage chambers or facilities approved by the Commission, from which water can be withdrawn for a period of 45 continuous days such that impacts to nearby surface waters will not likely be at a magnitude or in a timeframe that would exacerbate present low flow conditions.

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## Susquehanna River Basin Commission

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**INFORMATION NOTICE**

**18 CFR Parts 806**

Review and Approval of Projects

AGENCY: Susquehanna River Basin Commission.

ACTION: Final Rule.

(iii) Discontinue the project's consumptive use, which may include reduction of the project sponsor's consumptive use to less than 20,000 gpd during periods of low flow. In any case of failure to provide the specified discontinuance, such project shall provide mitigation in accordance with paragraph (b)(3) of this section, for the calendar year in which such failure occurs, after which the Commission will reevaluate the continued acceptability of the discontinuance.

\* \* \* \* \*

(e) \* \* \*

(1) General rule. Except with respect to projects involving hydrocarbon development subject to the provisions of paragraph (f) of this section, any project that is solely supplied water for consumptive use by public water supply, stormwater, wastewater, or other reused or recycled water, or any combination thereof, may be approved by the Executive Director under this paragraph (e) in accordance with the following, unless the Executive Director determines that the project cannot be adequately regulated under this approval by rule.

\* \* \* \* \*

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

| Agency I.D. No.                    | Subject Matter  | Location—Date—Time  |
|------------------------------------|---|---|
| <b>Education Department</b>        |   |   |
| EDU-11-20-00013-P .....            | Special education impartial hearing officers and the special education due process system procedures                    | 1411 Broadway, New York, NY—May 18, 2020, 10:00 a.m.<br>ACCES/VR, 80 Wolf Rd., Suite 200, Albany, NY—June 11, 2020, 10:00 a.m.<br>Monroe 2—Orleans BOCES, 160 Wallace Way, Bldg. 9, Rochester, NY—June 11, 2020, 10:00 a.m. |
| <b>Long Island Power Authority</b> |   |   |
| LPA-09-20-00009-P .....            | LIPA’s tariff for buy-back service (Service Classification No. 11)  | Rose Caracappa Auditorium, William H Rogers Bldg. #20, 725 Veterans Memorial Hwy., Smithtown, NY—May 4, 2020, 10:00 a.m.<br>Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—May 4, 2020, 2:00 p.m.     |
| LPA-09-20-00010-P .....            | To update and implement latest requirements for ESCOs proposing to do business within the authority’s service territory | Rose Caracappa Auditorium, William H Rogers Bldg. #20, 725 Veterans Memorial Hwy., Smithtown, NY—May 4, 2020, 10:00 a.m.<br>Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—May 4, 2020, 2:00 p.m.     |
| LPA-09-20-00011-P .....            | The modification of service classification No. 13 - Negotiated Contracts  | Rose Caracappa Auditorium, William H Rogers Bldg. #20, 725 Veterans Memorial Hwy., Smithtown, NY—May 4, 2020, 10:00 a.m.<br>Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—May 4, 2020, 2:00 p.m.     |
| LPA-09-20-00012-P .....            | The smart grid small generator interconnection procedures   | Rose Caracappa Auditorium, William H Rogers Bldg. #20, 725 Veterans Memorial Hwy., Smithtown, NY—May 4, 2020, 10:00 a.m.<br>Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—May 4, 2020, 2:00 p.m.     |
| LPA-09-20-00013-P .....            | The Long Island choice provisions of the authority’s tariff   | Rose Caracappa Auditorium, William H Rogers Bldg. #20, 725 Veterans Memorial Hwy., Smithtown, NY—May 4, 2020, 10:00 a.m.<br>Long Island Power Authority, 333 Earle Ovington Blvd., Uniondale, NY—May 4, 2020, 2:00 p.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 |
|-------------|--------------|----------------|---------------|-------------|
| <b>AAM</b>  | <b>01</b>    | <b>12</b>      | <b>00001</b>  | <b>P</b>    |

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

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|-----------------|---------|----------------|-------------------|
|-----------------|---------|----------------|-------------------|

**AGING, OFFICE FOR THE**

|                   |                |  |   |
|-------------------|----------------|--|---|
| AGE-34-19-00014-P | ..... 08/20/20 | Limits on Administrative Expenses and Executive Compensation | To bring this rule into compliance with current law in New York State |
|-------------------|----------------|--|---|

**AGRICULTURE AND MARKETS, DEPARTMENT OF**

|                   |                |  |   |
|-------------------|----------------|--|---|
| AAM-12-20-00006-P | ..... 03/25/21 | Calibrating and testing of certain weights and measures standards and devices. | To allow the Dept. to increase the fees it charges in calibrating and testing certain weights & measures standards and devices. |
|-------------------|----------------|--|---|

**ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF**

|                   |                |  |   |
|-------------------|----------------|--|---|
| ASA-10-20-00002-P | ..... 03/11/21 | Credentialing of addiction professionals | Outlines the regulatory requirements for persons seeking credentialing as an addiction professional |
|-------------------|----------------|--|---|

**AUDIT AND CONTROL, DEPARTMENT OF**

|                   |                |   |   |
|-------------------|----------------|---|---|
| AAC-07-20-00012-P | ..... 02/18/21 | Approval of contracts made by MTA and the NYCTA | Modify existing time frames for the approval of MTA and NYCTA contracts to conform with the MTA Reform and Traffic Mobility Act |
|-------------------|----------------|---|---|

**CHILDREN AND FAMILY SERVICES, OFFICE OF**

|                     |                |  |  |
|---------------------|----------------|--|--|
| CFS-39-19-00005-ERP | ..... 09/24/20 | Implement federal statutory requirements to include enhanced background checks, annual inspections, annual training and safety | Implement federal statutory requirements to include enhanced background checks, annual inspections, annual training and safety |
| CFS-39-19-00007-ERP | ..... 09/24/20 | Implement statutory requirements to include enhanced background checks, annual inspections, annual training and safety.        | Implement statutory requirements to include enhanced background checks, annual inspections, annual training and safety.        |
| CFS-42-19-00002-P   | ..... 10/15/20 | Permissible disclosure of records maintained by OCFS.  | To amend existing regulations regarding the permissible disclosure of records by OCFS.   |

| Agency I.D. No.                                | Expires  | Subject Matter   | Purpose of Action  |
|--|----------|--|--|
| <b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b> |          |  |  |
| CFS-46-19-00002-P                              | 11/12/20 | Behavioral health services, elimination of room isolation and authority to operate de-escalation rooms | To implement standards for behavioral health services and the operation of de-escalation rooms and to eliminate room isolation |
| CFS-49-19-00001-P                              | 12/03/20 | Limits on executive compensation   | To remove the soft cap limit on executive compensation   |
| CFS-04-20-00009-P                              | 01/28/21 | Host Family Homes  | The proposed regulations would establish standards for the approval and administration of host family homes.                   |
| CFS-06-20-00021-EP                             | 02/11/21 | Categories of relatives eligible to become a foster parent of a child in non-relative foster care.     | Regulations are necessary to comply with legislative changes to Family Court Act section 1028-a by Ch. 434 of L. 2019.         |
| <b>CIVIL SERVICE, DEPARTMENT OF</b>            |          |  |  |
| CVS-25-19-00006-P                              | 06/18/20 | Jurisdictional Classification  | To classify positions in the non-competitive class.  |
| CVS-34-19-00011-P                              | 08/20/20 | Jurisdictional Classification  | To delete positions from and classify positions in the non-competitive class   |
| CVS-42-19-00010-P                              | 10/15/20 | Jurisdictional Classification  | To classify positions in the exempt class  |
| CVS-42-19-00014-P                              | 10/15/20 | Jurisdictional Classification  | To classify a position in the exempt class   |
| CVS-42-19-00020-P                              | 10/15/20 | Jurisdictional Classification  | To classify positions in the non-competitive class   |
| CVS-42-19-00021-P                              | 10/15/20 | Jurisdictional Classification  | To classify positions in the non-competitive class   |
| CVS-42-19-00023-P                              | 10/15/20 | Jurisdictional Classification  | To classify positions in the non-competitive class   |
| CVS-42-19-00024-P                              | 10/15/20 | Jurisdictional Classification  | To delete positions from and classify positions in the non-competitive class   |
| CVS-45-19-00003-P                              | 11/05/20 | Jurisdictional Classification  | To classify a position in the non-competitive class  |
| CVS-45-19-00004-P                              | 11/05/20 | Jurisdictional Classification  | To classify a position in the exempt class   |
| CVS-45-19-00005-P                              | 11/05/20 | Jurisdictional Classification  | To delete positions from and classify a position in the non-competitive class  |
| CVS-45-19-00006-P                              | 11/05/20 | Jurisdictional Classification  | To delete positions from the non-competitive class   |
| CVS-45-19-00007-P                              | 11/05/20 | Jurisdictional Classification  | To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class   |
| CVS-45-19-00009-P                              | 11/05/20 | Jurisdictional Classification  | To delete a position from and classify a position in the exempt class  |
| CVS-51-19-00002-P                              | 12/17/20 | Jurisdictional Classification  | To delete positions from and classify positions in the non-competitive class   |

| Agency I.D. No.                     | Expires  | Subject Matter                | Purpose of Action  |
|-------------------------------------|----------|-------------------------------|--|
| <b>CIVIL SERVICE, DEPARTMENT OF</b> |          |                               |  |
| CVS-51-19-00003-P                   | 12/17/20 | Jurisdictional Classification | To classify a position in the exempt class                                   |
| CVS-51-19-00004-P                   | 12/17/20 | Jurisdictional Classification | To classify positions in the exempt class                                    |
| CVS-51-19-00005-P                   | 12/17/20 | Jurisdictional Classification | To classify positions in the exempt class                                    |
| CVS-51-19-00006-P                   | 12/17/20 | Jurisdictional Classification | To classify positions in the exempt class                                    |
| CVS-51-19-00007-P                   | 12/17/20 | Jurisdictional Classification | To classify positions in the non-competitive class                           |
| CVS-51-19-00008-P                   | 12/17/20 | Jurisdictional Classification | To classify positions in the non-competitive class                           |
| CVS-51-19-00009-P                   | 12/17/20 | Jurisdictional Classification | To classify positions in the non-competitive class                           |
| CVS-51-19-00010-P                   | 12/17/20 | Jurisdictional Classification | To delete positions from the non-competitive class                           |
| CVS-51-19-00011-P                   | 12/17/20 | Jurisdictional Classification | To delete a position from and classify a position in the exempt class        |
| CVS-51-19-00012-P                   | 12/17/20 | Jurisdictional Classification | To classify positions in the non-competitive class                           |
| CVS-51-19-00013-P                   | 12/17/20 | Jurisdictional Classification | To classify positions in the non-competitive class                           |
| CVS-51-19-00014-P                   | 12/17/20 | Jurisdictional Classification | To classify positions in the non-competitive class                           |
| CVS-03-20-00003-P                   | 01/21/21 | Jurisdictional Classification | To classify positions in the non-competitive class                           |
| CVS-03-20-00004-P                   | 01/21/21 | Jurisdictional Classification | To classify a position in the exempt class                                   |
| CVS-03-20-00005-P                   | 01/21/21 | Jurisdictional Classification | To delete positions from and classify positions in the non-competitive class |
| CVS-03-20-00006-P                   | 01/21/21 | Jurisdictional Classification | To classify a position in the non-competitive class                          |
| CVS-03-20-00007-P                   | 01/21/21 | Jurisdictional Classification | To delete positions from and classify positions in the exempt class          |
| CVS-06-20-00001-P                   | 02/11/21 | Jurisdictional Classification | To classify a position in the non-competitive class                          |
| CVS-06-20-00002-P                   | 02/11/21 | Jurisdictional Classification | To classify a position in the exempt class                                   |
| CVS-06-20-00003-P                   | 02/11/21 | Jurisdictional Classification | To classify positions in the non-competitive class                           |
| CVS-06-20-00004-P                   | 02/11/21 | Jurisdictional Classification | To classify positions in the non-competitive class                           |
| CVS-06-20-00005-P                   | 02/11/21 | Jurisdictional Classification | To delete positions from the non-competitive class                           |

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| Agency I.D. No.                     | Expires  | Subject Matter                       | Purpose of Action   |
|-------------------------------------|----------|--------------------------------------|---|
| <b>CIVIL SERVICE, DEPARTMENT OF</b> |          |                                      |   |
| CVS-06-20-00006-P                   | 02/11/21 | Jurisdictional Classification        | To delete positions from and classify positions in the non-competitive class  |
| CVS-06-20-00007-P                   | 02/11/21 | Jurisdictional Classification        | To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class    |
| CVS-06-20-00008-P                   | 02/11/21 | Jurisdictional Classification        | To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes  |
| CVS-13-20-00002-P                   | 04/01/21 | Supplemental military leave benefits | To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2020 |
| CVS-13-20-00009-P                   | 04/01/21 | Jurisdictional Classification        | To classify positions in the exempt class   |
| CVS-13-20-00010-P                   | 04/01/21 | Jurisdictional Classification        | To classify positions in the non-competitive class  |
| CVS-13-20-00011-P                   | 04/01/21 | Jurisdictional Classification        | To delete positions from the exempt class   |
| CVS-13-20-00012-P                   | 04/01/21 | Jurisdictional Classification        | To delete positions from the non-competitive class  |
| CVS-13-20-00013-P                   | 04/01/21 | Jurisdictional Classification        | To classify a position in the non-competitive class   |
| CVS-13-20-00014-P                   | 04/01/21 | Jurisdictional Classification        | To classify positions in the exempt class   |
| CVS-13-20-00015-P                   | 04/01/21 | Jurisdictional Classification        | To delete positions from and classify positions in the non-competitive class  |
| CVS-13-20-00016-P                   | 04/01/21 | Jurisdictional Classification        | To classify positions in the exempt class   |
| CVS-13-20-00017-P                   | 04/01/21 | Jurisdictional Classification        | To classify positions in the exempt class   |
| CVS-13-20-00018-P                   | 04/01/21 | Jurisdictional Classification        | To classify a position in the exempt class  |
| CVS-13-20-00019-P                   | 04/01/21 | Jurisdictional Classification        | To classify positions in the exempt class   |
| CVS-13-20-00020-P                   | 04/01/21 | Jurisdictional Classification        | To delete positions in the non-competitive class  |
| CVS-13-20-00021-P                   | 04/01/21 | Jurisdictional Classification        | To classify positions in the non-competitive class  |
| CVS-13-20-00022-P                   | 04/01/21 | Jurisdictional Classification        | To classify a position in the non-competitive class   |
| CVS-13-20-00023-P                   | 04/01/21 | Jurisdictional Classification        | To delete positions from the non-competitive class  |
| CVS-13-20-00024-P                   | 04/01/21 | Jurisdictional Classification        | To classify positions in the exempt and the non-competitive classes.  |
| CVS-13-20-00025-P                   | 04/01/21 | Jurisdictional Classification        | To delete a position from and classify positions in the non-competitive class   |

| Agency I.D. No.   | Expires  | Subject Matter  | Purpose of Action  |
|---|----------|---|--|
| <b>CORRECTION, STATE COMMISSION OF</b>                      |          |   |  |
| CMC-35-19-00002-P   | 08/27/20 | Disciplinary and administrative segregation of inmates in special housing.  | Prohibit the segregation of vulnerable inmates, and to standardize allowable uses and duration of special housing segregation.   |
| <b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b> |          |   |  |
| CCS-21-19-00014-P   | 05/21/20 | Adolescent Offender Facilities  | To reclassify two existing correctional facilities to adolescent offender facilities.  |
| CCS-35-19-00001-P   | 08/27/20 | Special Housing Units   | Revisions have been made in order to be in compliance with new laws regarding special housing units and solitary confinement use |
| CCS-50-19-00002-P   | 12/10/20 | Raise the Age   | To update each correctional facility's regulation as a direct result of the Raise the Age legislation                            |
| <b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>               |          |   |  |
| CJS-30-19-00010-ERP   | 07/23/20 | Use of Force  | Set forth use of force reporting and recordkeeping procedures  |
| <b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>                  |          |   |  |
| EDV-09-20-00007-P   | 03/04/21 | Minority and Women-Owned Business Enterprise Program  | Update the regulations of the Division of Minority and Women's Business Development  |
| EDV-10-20-00001-P   | 03/11/21 | Empire state entertainment diversity job training development program   | To implement the administrative processes for the entertainment diversity job training development program                       |
| <b>EDUCATION DEPARTMENT</b>                                 |          |   |  |
| EDU-17-19-00008-P   | 04/23/20 | To require study in language acquisition and literacy development of English language learners in certain teacher preparation | To ensure that newly certified teachers enter the workforce fully prepared to serve our ELL population                           |
| EDU-27-19-00010-P   | 07/02/20 | Substantially Equivalent Instruction for Nonpublic School Students  | Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law     |
| EDU-39-19-00009-RP  | 09/24/20 | Requirements for Licensure as an Architect  | To more closely align the Commissioner's Regulations with national standards for licensure as an architect.                      |
| EDU-43-19-00012-ERP   | 10/22/20 | Annual Professional Performance Reviews of Classroom Teachers and Building Principals   | Necessary to implement part YYY of chapter 59 of the Laws of 2019  |
| EDU-52-19-00007-P   | 12/23/20 | Update Provisions Relating to Pupil Transportation  | To update provisions of the Commissioner's Regulations relating to pupil transportation  |
| EDU-52-19-00008-EP  | 12/23/20 | Restricted License for Clinical Laboratory Technologist   | Implement chapter 227 of 2019 by adding toxicology to the category of restricted licenses for clinical laboratory technologists  |
| EDU-52-19-00009-EP  | 12/23/20 | Continuing Education in the Profession of Public Accountancy  | Implement the provisions of chapter 413 of the Laws of 2018  |

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| Agency I.D. No.             | Expires  | Subject Matter   | Purpose of Action  |
|-----------------------------|----------|--|--|
| <b>EDUCATION DEPARTMENT</b> |          |  |  |
| EDU-52-19-00010-EP          | 12/23/20 | Duties and responsibilities of the counsel of the State Education Department                             | To designate counsel as the deputy commissioner of education as specified in Education Law, section 101                        |
| EDU-04-20-00005-P           | 01/28/21 | Residency Program Requirement for Dental Licensure   | Adds dental anesthesiology to the list of accredited residency programs in a specialty of dentistry.                           |
| EDU-04-20-00006-P           | 01/28/21 | Financial Transparency and Data Reporting Requirements for Charter Schools                               | To establish criteria and procedures relating to charter financial transparency reporting to ensure compliance with ESSA.      |
| EDU-04-20-00007-P           | 01/28/21 | Time Extension of Initial, Transitional and Provisional Certificates                                     | To provide educators with a Time Extension after the issuance of their first Initial or Provisional certificate.               |
| EDU-04-20-00008-EP          | 01/28/21 | ESSA Financial Transparency Reporting Requirements.  | To implement financial transparency reporting requirements of ESSA.  |
| EDU-08-20-00007-P           | 02/25/21 | The Practice of Psychology, Social Work and Mental Health Practitioner Professions                       | To implement part Y of chapter 57 of the laws of 2018  |
| EDU-08-20-00008-P           | 02/25/21 | The Composition of the Professional Standards and Practices Board for Teaching (PSPB)                    | To require the PSPB to have at least four members who are practicing, certified school building or district administrator      |
| EDU-08-20-00009-P           | 02/25/21 | Term Limits for Members of the Advisory Committee on Long-Term Clinical Clerkships                       | To remove the two term limit for committee members to most effectively advise the Board of Regents and the Department          |
| EDU-11-20-00013-P           | 03/23/21 | Special Education Impartial Hearing Officers and the Special Education Due Process System Procedures     | To address volume of special education due process complaints in the New York City due process system                          |
| EDU-11-20-00014-P           | 03/18/21 | Local Government Records Management  | To issue a new records retention and disposition schedule LGS-1  |
| EDU-11-20-00015-EP          | 03/18/21 | Military Ballots for School District and School District Public Library Elections, Budget, and Referenda | To implement chapter 489 of the Laws of 2019 which added section 2018-d to the Education Law                                   |
| EDU-11-20-00016-P           | 03/18/21 | Eligibility Requirements for Loan Forgiveness and Grant Programs   | Conforms Commissioner's regulations to the DREAM Act relating to student's eligibility for loan forgiveness and grant programs |

**ELECTIONS, STATE BOARD OF**

|                   |          |  |   |
|-------------------|----------|--|---|
| SBE-02-20-00002-P | 01/14/21 | Combine the 10 Day Post Primary Filing with the July 15th disclosure statement | This amendment combines the 10 Day Post Primary Filing with the July 15th disclosure statement that political committees file |
|-------------------|----------|--|---|

**ELECTRIC GENERATION SITING AND THE ENVIRONMENT, NEW YORK STATE BOARD ON**

|                    |          |  |  |
|--------------------|----------|--|--|
| EGS-09-20-00001-EP | 03/04/21 | Regulations Implementing Article 10 of the Public Service Law - Definitions. | To amend the regulatory definitions of "modification" and "revision" of an Article 10 application for a CECPN. |
|--------------------|----------|--|--|

| Agency I.D. No.                                  | Expires  | Subject Matter   | Purpose of Action   |
|--|----------|--|---|
| <b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b> |          |  |   |
| ENV-27-19-00003-P                                | 07/02/20 | Black Bear hunting.  | Expand bear hunting opportunities in Wildlife Management Unit 4W to reduce bear abundance.                                      |
| ENV-36-19-00003-P                                | 11/07/20 | Stationary Combustion Installations  | Update permit references, rule citations, monitoring, record keeping, reporting requirements, and lower emission standards.     |
| ENV-37-19-00003-P                                | 09/10/20 | Clarifying determination of jurisdiction under the Endangered and Threatened Fish and Wildlife regulations       | To improve the review of projects by removing some project types that are known not to cause harm from the review stream        |
| ENV-38-19-00001-P                                | 09/17/20 | Animals dangerous to health or welfare   | To expand the list of animals which pose a risk to health or welfare of the people of the state or indigenous fish and wildlife |
| ENV-43-19-00006-P                                | 01/07/21 | Class I and Class SD waters  | To clarify best usages of Class I and SD waters were/are "secondary contact recreation and fishing" and "fishing," respectively |
| ENV-43-19-00010-P                                | 01/06/21 | Repeal and replace 6 NYCRR Part 622 and amend 6 NYCRR Part 624, Part 621 and Part 620                            | To incorporate procedural and legal developments, develop consistency & reflect current practice in DEC hearings                |
| ENV-53-19-00016-P                                | 03/09/21 | Certain substances that contain hydrofluorocarbons, highly-potent greenhouse gases                               | Remove greenhouse gas emission sources that endanger public health and the environment  |
| ENV-04-20-00004-EP                               | 01/28/21 | Regulations governing commercial fishing of quota managed species.   | To improve efficiency, reduce waste, and increase safety in marine commercial fisheries.  |
| ENV-05-20-00001-P                                | 04/10/21 | Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology for Heavy Duty Vehicles               | Updating to meet with statutory deadline  |
| ENV-05-20-00002-P                                | 04/10/21 | Sulfur-in Fuel Limitations   | Limit sulfur in liquid and solid fuels throughout NYS   |
| ENV-06-20-00018-P                                | 04/16/21 | The repeal and replacement of 6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles                  | To further reduce harmful volatile organic compounds (VOCs) emitted into the atmosphere.  |
| ENV-06-20-00019-P                                | 04/16/21 | Consumer Products  | Reduce Volatile Organic Compound emissions from Consumer Products - those products used in the average household.               |
| ENV-06-20-00020-P                                | 04/16/21 | New Source Review requirements for proposed new major facilities and major modifications to existing facilities. | To conform to federal NSR rule requirements and related court rulings, correct typographical errors, and clarify rule language. |
| ENV-11-20-00002-P                                | 03/18/21 | Brookfield Trail System  | To protect public safety and natural resources on the Brookfield Trail System   |
| ENV-11-20-00004-EP                               | 03/18/21 | Management of sharks, squid and Atlantic cod   | To revise regulations concerning size, trip, and possession limits for sharks, squid and Atlantic cod                           |
| ENV-12-20-00001-EP                               | 03/25/21 | Regulations governing commercial fishing of Tautog (blackfish).  | To revise regulations concerning the commercial harvest of Tautog in New York State.  |

| Agency I.D. No.                                  | Expires  | Subject Matter  | Purpose of Action   |
|--|----------|---|---|
| <b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b> |          |   |   |
| ENV-14-20-00005-P                                | 04/08/21 | Chronic wasting disease.  | Rectify an errant subdivision reference and reinstate sections of Part 189 that were inadvertently removed by a clerical error. |
| <b>FINANCIAL SERVICES, DEPARTMENT OF</b>         |          |   |   |
| *DFS-17-16-00003-P                               | exempt   | Plan of Conversion by Commercial Travelers Mutual Insurance Company   | To convert a mutual accident and health insurance company to a stock accident and health insurance company                      |
| *DFS-25-18-00006-P                               | exempt   | Plan of Conversion by Medical Liability Mutual Insurance Company  | To convert a mutual property and casualty insurance company to a stock property and casualty insurance company                  |
| DFS-33-19-00004-P                                | 08/13/20 | Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure       | To set forth minimum standards for the content of health insurance identification cards.  |
| DFS-43-19-00017-P                                | 10/22/20 | INDEPENDENT DISPUTE RESOLUTION FOR EMERGENCY SERVICES AND SURPRISE BILLS  | To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided |
| DFS-48-19-00002-P                                | 11/26/20 | SUPERINTENDENT'S REGULATIONS: INFORMATION SUBJECT TO CONFIDENTIAL TREATMENT   | Provide rules concerning publication or disclosure of information subject to confidential treatment                             |
| DFS-51-19-00015-P                                | 12/17/20 | Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure         | Clarifying discriminatory activities prohibited by and coverages included within preventive care and screenings under the IL    |
| DFS-53-19-00014-EP                               | 12/30/20 | Charges for Professional Health Services  | To delay the effective date of the workers' compensation fee schedules for no-fault reimbursement.                              |
| DFS-01-20-00002-P                                | 01/07/21 | Certification of Compliance, Due Date   | To amend the date by which Covered Entities must submit a certification of compliance, from February to April.                  |
| DFS-03-20-00011-EP                               | 01/21/21 | Valuation of Life Insurance Reserves; Recognition of the 2001 CSO Mortality Table and the 2017 CSO Mortality Table, et al | Prescribes 2001 CSO ultimate mortality for guaranteed issue policies issued on or after 1/1/20 and extends 2015 reserve relief  |
| DFS-07-20-00015-P                                | 02/18/21 | Audited Financial Statements  | To require insurers meeting a certain premium threshold to establish and maintain an internal audit function.                   |
| DFS-08-20-00011-P                                | 02/25/21 | Public Access to Department Records   | To update regulations regarding public access to records of the Department of Financial Services                                |
| DFS-09-20-00008-P                                | 03/04/21 | Enterprise Risk Management and Own Risk and Solvency Assessment; Group-Wide Supervision                                   | To authorize the Superintendent to act as the group-wide supervisor for an internationally active insurance groups              |
| DFS-11-20-00001-P                                | 03/18/21 | Corporate Governance  | To require an authorized insurer to adopt a corporate governance framework and file an annual disclosure                        |
| DFS-12-20-00002-EP                               | 03/25/21 | Reverse Mortgage Loans  | To implement newly enacted Real Property Law section 280-b as soon as it goes into effect.                                      |



| Agency I.D. No.                          | Expires  | Subject Matter  | Purpose of Action  |
|--|----------|---|--|
| <b>GAMING COMMISSION, NEW YORK STATE</b> |          |   |  |
| SGC-01-20-00006-P                        | 01/07/21 | Permit Thoroughbred horses with digital tattoos to race in New York       | To promote the integrity of racing and derive a reasonable return for government   |
| SGC-07-20-00002-P                        | 02/18/21 | Allow claimant to void claim of lame horse                                | To enhance horse health and safety in thoroughbred racing  |
| SGC-07-20-00003-P                        | 02/18/21 | Spanish 21, a blackjack variant to be offered in commercial casinos.      | To set forth the practices and procedures for the operation of Spanish 21 as a casino table game.                              |
| SGC-07-20-00004-P                        | 02/18/21 | Relating to the provision of social security numbers.                     | Limit collection of social security numbers.   |
| SGC-07-20-00014-P                        | 02/18/21 | Thoroughbred pick-five and pick-six wagers.                               | To improve the pick-five and pick-six wagers in thoroughbred racing.   |
| SGC-11-20-00012-P                        | 03/18/21 | Joint injections in Thoroughbred racing                                   | To improve integrity, health and safety of Thoroughbred horse racing   |
| <b>GENERAL SERVICES, OFFICE OF</b>       |          |   |  |
| GNS-40-19-00005-P                        | 10/01/20 | Facility Use  | To add "plastic knuckles" and remove "gravity knife" from the definition of "deadly weapon"                                    |
| <b>HEALTH, DEPARTMENT OF</b>             |          |   |  |
| *HLT-14-94-00006-P                       | exempt   | Payment methodology for HIV/AIDS outpatient services                      | To expand the current payment to incorporate pricing for services  |
| HLT-30-19-00006-RP                       | 07/23/20 | Maximum Contaminant Levels (MCLs)   | Incorporating MCLs for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS) and 1,4-dioxane.                     |
| HLT-36-19-00006-P                        | 09/03/20 | Limits on Executive Compensation  | Removes "Soft Cap" prohibition on covered executive salaries.  |
| HLT-40-19-00004-P                        | 10/01/20 | Drug Take Back  | To implement the State's drug take back program to provide for the safe disposal of drugs                                      |
| HLT-46-19-00003-P                        | 11/12/20 | Tanning Facilities  | To prohibit the use of indoor tanning facilities by individuals less than 18 years of age                                      |
| HLT-47-19-00008-P                        | 11/19/20 | Hospital Medical Staff - Limited Permit Holders                           | To repeal extra years of training required for limited permit holders to work in New York State hospitals.                     |
| HLT-47-19-00009-P                        | 11/19/20 | Empire Clinical Research Investigator Program (ECRIP)                     | To expand the types of & change the time frames for past research grants that qualify staff to supervise the ECRIP project.    |
| HLT-51-19-00001-P                        | 12/17/20 | Women, Infants and Children (WIC) Program                                 | To support implementation of eWIC; clarify rules for violations, penalties & hearings & conform vendor authorization criteria. |
| HLT-53-19-00001-P                        | 12/30/20 | Prohibition on the Sale of Electronic Liquids with Characterizing Flavors | To prohibit the sale of electronic liquids with characterizing flavors   |

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|---|----------|--|---|
| <b>HEALTH, DEPARTMENT OF</b>                      |          |  |   |
| HLT-53-19-00011-P                                 | 12/30/20 | Cardiac Services   | To amend existing Certificate of Need requirements for approval of adult cardiac surgery centers.                                   |
| HLT-53-19-00012-P                                 | 12/30/20 | Consumer Directed Personal Assistance Program Reimbursement                      | To establish a program to pay home care services & establish a methodology framework for the payment of FI administrative costs.    |
| HLT-04-20-00002-P                                 | 01/28/21 | Reducing Annual Tuberculosis Testing of Health Care Workers                      | To replace annual tuberculosis testing of health care workers.  |
| HLT-04-20-00003-P                                 | 01/28/21 | Applied Behavior Analysis  | To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.                 |
| HLT-04-20-00011-P                                 | 01/28/21 | Nursing Home Case Mix Rationalization  | To authorize the Department of Health to change the case mix acuity process for all nursing homes.                                  |
| HLT-04-20-00012-P                                 | 01/28/21 | State Aid for Public Health Services: Counties and Cities                        | Clarifying State Aid payments for maintaining a cooling tower program.  |
| HLT-08-20-00001-EP                                | 02/25/21 | Communicable Diseases Reporting and Control - Adding Severe or Novel Coronavirus | To require physicians, hospitals, nursing homes, D&TCs and clinical laboratories to report instances of severe or novel coronavirus |
| HLT-11-20-00003-P                                 | 03/18/21 | Adult Day Health Care (ADHC)   | To allow for reimbursement of real property leases in certain situations when used for operations of an ADHC program                |
| <b>HOUSING AND COMMUNITY RENEWAL, DIVISION OF</b> |          |  |   |
| HCR-21-19-00019-P                                 | 07/21/20 | Low-Income Housing Qualified Allocation Plan                                     | To amend definitions, threshold criteria and application scoring for the allocation o flow-income housing tax credits.              |
| <b>HOUSING FINANCE AGENCY</b>                     |          |  |   |
| HFA-21-19-00020-P                                 | 07/21/20 | Low-Income Housing Qualified Allocation Plan                                     | To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits               |
| <b>HUMAN RIGHTS, DIVISION OF</b>                  |          |  |   |
| HRT-27-19-00002-P                                 | 07/02/20 | Gender Identity or Expression Discrimination                                     | To conform the Division's regulations with Executive Law as amended by Chapter 8 of the Laws of New York 2019.                      |
| <b>LABOR, DEPARTMENT OF</b>                       |          |  |   |
| LAB-46-19-00004-P                                 | 11/12/20 | NY State Public Employees Occupational Safety and Health Standards               | To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards    |
| LAB-03-20-00012-P                                 | 01/21/21 | Minimum Wage Tip Allowances  | Amendment of regulations governing tip allowances in the Miscellaneous Industries Wage Order  |

| Agency I.D. No.                    | Expires        | Subject Matter   | Purpose of Action   |
|------------------------------------|----------------|--|---|
| <b>LONG ISLAND POWER AUTHORITY</b> |                |  |   |
| *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-47-19-00017-P                  | ..... exempt   | VDER, net metering, and community distributed generation   | To update the Authority's tariff for consistency with the Public Service Commission, Department of Public Service, and CLCPA. |
| LPA-09-20-00009-P                  | ..... exempt   | LIPA's Tariff for Buy-Back Service (Service Classification No. 11)   | To add a new Feed-In Tariff to supply the newly proposed Solar Communities program  |
| LPA-09-20-00010-P                  | ..... exempt   | To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory. | To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.          |
| LPA-09-20-00011-P                  | ..... exempt   | The modification of Service Classification No. 13 - Negotiated Contracts   | To update the Authority's Tariff and authorize a negotiated contract with the Suffolk County Department of Public Works       |
| LPA-09-20-00012-P                  | ..... exempt   | The Smart Grid Small Generator Interconnection Procedures  | To be consistent with the New York State Standardized Interconnection Requirements  |
| LPA-09-20-00013-P                  | ..... exempt   | The Long Island Choice provisions of the Authority's Tariff.   | To enable CCA formation within the Long Island Choice Program.  |
| <b>MENTAL HEALTH, OFFICE OF</b>    |                |  |   |
| OMH-46-19-00005-P                  | ..... 11/12/20 | Definition of "Case record, clinical record, medical record or patient record"   | To clarify that the agency does not consider the provision to apply to the definition of "record" as set forth in MHL 9.01    |
| OMH-47-19-00001-P                  | ..... 11/19/20 | Limits on Executive Compensation   | To eliminate "soft cap" restrictions on compensation.   |
| OMH-12-20-00003-P                  | ..... 03/25/21 | Uncompensated care funds issued pursuant to the Indigent Care Program.   | To ensure the appropriate allocation of uncompensated care funds.   |

| Agency I.D. No.   | Expires  | Subject Matter  | Purpose of Action   |
|---|----------|---|---|
| <b>METROPOLITAN TRANSPORTATION AGENCY</b>                 |          |   |   |
| MTA-23-19-00006-EP  | 06/04/20 | Debarment of contractors  | To comply with Public Authorities Law, section 1279-h, which requires the MTA to establish a debarment process for contractors  |
| <b>MOTOR VEHICLES, DEPARTMENT OF</b>                      |          |   |   |
| MTV-07-20-00005-P   | 02/18/21 | Electronic transmission of data by dismantlers and scrap processors                     | To establish procedures for the electronic transmission of data by dismantlers and scrap processors                             |
| MTV-12-20-00005-P   | 03/25/21 | Establishes an Internet Prelicensing Course.  | conforms regulation with statute.   |
| <b>NIAGARA FALLS WATER BOARD</b>                          |          |   |   |
| *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   |
| <b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>               |          |   |   |
| *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  |
| <b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b> |          |   |   |
| PDD-06-20-00009-EP  | 02/11/21 | Creates Extended Treatment Units  | To provide service and supports for individuals in crisis   |
| <b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>           |          |   |   |
| *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                      |
| <b>PUBLIC SERVICE COMMISSION</b>                          |          |   |   |
| *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   |

| Agency I.D. No.                  | Expires      | Subject Matter  | Purpose of Action  |
|----------------------------------|--------------|---|--|
| <b>PUBLIC SERVICE COMMISSION</b> |              |   |  |
| *PSC-07-02-00032-P               | ..... exempt | Uniform business practices  | To consider modification   |
| *PSC-36-03-00010-P               | ..... exempt | Performance assurance plan by Verizon New York  | To consider changes  |
| *PSC-40-03-00015-P               | ..... exempt | Receipt of payment of bills by St. Lawrence Gas Company   | To revise the process  |
| *PSC-41-03-00010-P               | ..... exempt | Annual reconciliation of gas expenses and gas cost recoveries   | To consider filings of various LDCs and municipalities                                     |
| *PSC-41-03-00011-P               | ..... exempt | Annual reconciliation of gas expenses and gas cost recoveries   | To consider filings of various LDCs and municipalities                                     |
| *PSC-44-03-00009-P               | ..... exempt | Retail access data between jurisdictional utilities   | To accommodate changes in retail access market structure or commission mandates            |
| *PSC-02-04-00008-P               | ..... exempt | Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York                         | To rehear the Nov. 25, 2003 order  |
| *PSC-06-04-00009-P               | ..... exempt | Transfer of ownership interest by SCS Energy LLC and AE Investors LLC   | To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC |
| *PSC-10-04-00005-P               | ..... exempt | Temporary protective order  | To consider adopting a protective order  |
| *PSC-10-04-00008-P               | ..... exempt | Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue                              | To amend the agreement   |
| *PSC-14-04-00008-P               | ..... exempt | Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds                                  | To submeter gas service to commercial customers located at the Buffalo Speedway            |
| *PSC-15-04-00022-P               | ..... exempt | Submetering of electricity by Glenn Gardens Associates, L.P.  | To permit submetering at 175 W. 87th St., New York, NY                                     |
| *PSC-21-04-00013-P               | ..... exempt | Verizon performance assurance plan by Metropolitan Telecommunications   | To clarify the appropriate performance level   |
| *PSC-22-04-00010-P               | ..... exempt | Approval of new types of electricity meters by Powell Power Electric Company  | To permit the use of the PE-1250 electronic meter  |
| *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   |

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

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|----------------------------------|--------------|--|---|
| <b>PUBLIC SERVICE COMMISSION</b> |              |  |   |
| *PSC-50-05-00008-P               | ..... exempt | Long-term debt by Saratoga Glen Hollow Water Supply Corp.  | To obtain long-term debt  |
| *PSC-04-06-00024-P               | ..... exempt | Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.     | To approve of the transfer  |
| *PSC-06-06-00015-P               | ..... exempt | Gas curtailment policies and procedures  | To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established |
| *PSC-07-06-00009-P               | ..... exempt | Modification of the current Environmental Disclosure Program                                     | To include an attributes accounting system  |
| *PSC-22-06-00019-P               | ..... exempt | Hourly pricing by National Grid  | To assess the impacts   |
| *PSC-22-06-00020-P               | ..... exempt | Hourly pricing by New York State Electric & Gas Corporation                                      | To assess the impacts   |
| *PSC-22-06-00021-P               | ..... exempt | Hourly pricing by Rochester Gas & Electric Corporation   | To assess the impacts   |
| *PSC-22-06-00022-P               | ..... exempt | Hourly pricing by Consolidated Edison Company of New York, Inc.                                  | To assess the impacts   |
| *PSC-22-06-00023-P               | ..... exempt | Hourly pricing by Orange and Rockland Utilities, Inc.  | To assess the impacts   |
| *PSC-24-06-00005-EP              | ..... exempt | Supplemental home energy assistance benefits   | To extend the deadline to Central Hudson's low-income customers   |
| *PSC-25-06-00017-P               | ..... exempt | Purchased power adjustment by Massena Electric Department  | To revise the method of calculating the purchased power adjustment and update the factor of adjustment                  |
| *PSC-34-06-00009-P               | ..... exempt | Inter-carrier telephone service quality standards and metrics by the Carrier Working Group       | To incorporate appropriate modifications  |
| *PSC-37-06-00015-P               | ..... exempt | Procedures for estimation of customer bills by Rochester Gas and Electric Corporation            | To consider estimation procedures   |
| *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   |

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



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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| *PSC-08-08-00016-P               | ..... exempt | Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.  | To consider the transfer  |
| *PSC-12-08-00019-P               | ..... exempt | Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation                                      | To consider the request   |
| *PSC-12-08-00021-P               | ..... exempt | Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation   | To consider the request   |
| *PSC-13-08-00011-P               | ..... exempt | Waiver of commission policy and NYSEG tariff by Turner Engineering, PC  | To grant or deny Turner's petition  |
| *PSC-13-08-00012-P               | ..... exempt | Voltage drops by New York State Electric & Gas Corporation  | To grant or deny the petition   |
| *PSC-23-08-00008-P               | ..... exempt | Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project | To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project |
| *PSC-25-08-00007-P               | ..... exempt | Policies and procedures regarding the selection of regulatory proposals to meet reliability needs                                       | To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs  |
| *PSC-25-08-00008-P               | ..... exempt | Report on Callable Load Opportunities   | Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years   |
| *PSC-28-08-00004-P               | ..... exempt | Con Edison's procedure for providing customers access to their account information  | To consider Con Edison's implementation plan and timetable for providing customers access to their account information  |
| *PSC-31-08-00025-P               | ..... exempt | Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)   | To authorize recovery of the DRS costs from the CMR   |
| *PSC-32-08-00009-P               | ..... exempt | The ESCO referral program for KEDNY to be implemented by October 1, 2008  | To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program  |
| *PSC-33-08-00008-P               | ..... exempt | Noble Allegany's request for lightened regulation   | To consider Noble Allegany's request for lightened regulation as an electric corporation  |
| *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   |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |  |
| *PSC-43-08-00014-P               | ..... exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries   | The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries |
| *PSC-46-08-00008-P               | ..... exempt | Property transfer in the Village of Avon, New York  | To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York           |
| *PSC-46-08-00010-P               | ..... exempt | A transfer of indirect ownership interests in nuclear generation facilities                                 | Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities                     |
| *PSC-46-08-00014-P               | ..... exempt | The attachment of cellular antennae to an electric transmission tower                                       | To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower        |
| *PSC-48-08-00005-P               | ..... exempt | A National Grid high efficiency gas heating equipment rebate program  | To expand eligibility to customers converting from oil to natural gas  |
| *PSC-48-08-00008-P               | ..... exempt | Petition for the master metering and submetering of electricity   | To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York  |
| *PSC-48-08-00009-P               | ..... exempt | Petition for the submetering of electricity   | To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York      |
| *PSC-50-08-00018-P               | ..... exempt | Market Supply Charge  | A study on the implementation of a revised Market Supply Charge  |
| *PSC-51-08-00006-P               | ..... exempt | Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458                   | To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458                            |
| *PSC-51-08-00007-P               | ..... exempt | Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078                             | To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078   |
| *PSC-53-08-00011-P               | ..... exempt | Use of deferred Rural Telephone Bank funds  | To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds         |
| *PSC-53-08-00012-P               | ..... exempt | Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY                | Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY                                 |
| *PSC-53-08-00013-P               | ..... exempt | To transfer common stock and ownership  | To consider transfer of common stock and ownership   |
| *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                  |

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

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

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

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |  |
| *PSC-12-10-00015-P               | ..... exempt | Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations                                   | To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations |
| *PSC-14-10-00010-P               | ..... exempt | Petition for the submetering of electricity   | To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY        |
| *PSC-16-10-00005-P               | ..... exempt | To consider adopting and expanding mobile stray voltage testing requirements  | Adopt additional mobile stray voltage testing requirements   |
| *PSC-16-10-00007-P               | ..... exempt | Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access  | To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications                 |
| *PSC-16-10-00015-P               | ..... exempt | Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications                |
| *PSC-18-10-00009-P               | ..... exempt | Electric utility transmission right-of-way management practices   | To consider electric utility transmission right-of-way management practices  |
| *PSC-19-10-00022-P               | ..... exempt | Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York    | To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York        |
| *PSC-22-10-00006-P               | ..... exempt | Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service | Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service   |
| *PSC-22-10-00008-P               | ..... exempt | Petition for the submetering of electricity   | To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York           |
| *PSC-24-10-00009-P               | ..... exempt | Verizon New York Inc. tariff regulations relating to voice messaging service  | To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff                  |
| *PSC-25-10-00012-P               | ..... exempt | Reassignment of the 2-1-1 abbreviated dialing code  | Consideration of petition to reassign the 2-1-1 abbreviated dialing code   |
| *PSC-27-10-00016-P               | ..... exempt | Petition for the submetering of electricity   | To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York                    |
| *PSC-34-10-00003-P               | ..... exempt | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program                       | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program                      |
| *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                          |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| *PSC-40-10-00014-P               | ..... exempt | Disposition of a state sales tax refund   | To determine how much of a state sales tax refund should be retained by National Grid   |
| *PSC-40-10-00021-P               | ..... exempt | Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall               | To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall                               |
| *PSC-41-10-00018-P               | ..... exempt | Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter   | Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers |
| *PSC-41-10-00022-P               | ..... exempt | Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY                      | Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY                              |
| *PSC-42-10-00011-P               | ..... exempt | Petition for the submetering of electricity   | To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York                        |
| *PSC-43-10-00016-P               | ..... exempt | Utility Access to Ducts, Conduit Facilities and Utility Poles   | To review the complaint from Optical Communications Group   |
| *PSC-44-10-00003-P               | ..... exempt | Third and fourth stage gas rate increase by Corning Natural Gas Corporation   | To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase                            |
| *PSC-51-10-00018-P               | ..... exempt | Commission proceeding concerning three-phase electric service by all major electric utilities                           | Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities          |
| *PSC-11-11-00003-P               | ..... exempt | The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service | The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service         |
| *PSC-13-11-00005-P               | ..... exempt | Exclude the minimum monthly bill component from the earnings test calculation   | Exclude the minimum monthly bill component from the earnings test calculation   |
| *PSC-14-11-00009-P               | ..... exempt | Petition for the submetering of electricity   | To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York              |
| *PSC-19-11-00007-P               | ..... exempt | Utility price reporting requirements related to the Commission's "Power to Choose" website                              | Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website        |
| *PSC-20-11-00012-P               | ..... exempt | Petition for the submetering of electricity   | To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York                         |
| *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%  |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |   |
| *PSC-26-11-00009-P               | ..... exempt | Petition for the submetering of electricity at commercial property   | To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York     |
| *PSC-26-11-00012-P               | ..... exempt | Waiver of generation retirement notice requirements  | Consideration of waiver of generation retirement notice requirements  |
| *PSC-29-11-00011-P               | ..... exempt | Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order. | To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.    |
| *PSC-35-11-00011-P               | ..... exempt | Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8  | Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters                 |
| *PSC-36-11-00006-P               | ..... exempt | To consider expanding mobile stray voltage testing requirements  | Adopt additional mobile stray voltage testing requirements  |
| *PSC-38-11-00002-P               | ..... exempt | Operation and maintenance procedures pertaining to steam trap caps   | Adopt modified steam operation and maintenance procedures   |
| *PSC-38-11-00003-P               | ..... exempt | Waiver of certain provisions of the electric service tariffs of Con Edison   | Consideration of waiver of certain provisions of the electric service tariffs of Con Edison                                     |
| *PSC-40-11-00010-P               | ..... exempt | Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)                                | Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE                           |
| *PSC-40-11-00012-P               | ..... exempt | Granting of transfer of plant in-service to a regulatory asset   | To approve transfer and recovery of unamortized plant investment  |
| *PSC-42-11-00018-P               | ..... exempt | Availability of telecommunications services in New York State at just and reasonable rates                                   | Providing funding support to help ensure availability of affordable telecommunications service throughout New York              |
| *PSC-43-11-00012-P               | ..... exempt | Transfer of outstanding shares of stock  | Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC                |
| *PSC-47-11-00007-P               | ..... exempt | Remedying miscalculations of delivered gas as between two customer classes   | Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations   |
| *PSC-48-11-00007-P               | ..... exempt | Transfer of controlling interests in generation facilities from Dynegy to PSEG   | Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG                    |
| *PSC-48-11-00008-P               | ..... exempt | Petition for the submetering of electricity  | To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York                |
| *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 |



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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |  |
| *PSC-11-12-00002-P               | ..... exempt | Whether to grant, deny or modify, in whole or part, Hegeman’s petition for a waiver of Commission policy and Con Edison tariff | Whether to grant, deny or modify, in whole or part, Hegeman’s petition for a waiver of Commission policy and Con Edison tariff |
| *PSC-11-12-00005-P               | ..... exempt | Transfer of land and water supply assets   | Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman                                    |
| *PSC-13-12-00005-P               | ..... exempt | Authorization to transfer certain real property  | To decide whether to approve the transfer of certain real property   |
| *PSC-19-12-00023-P               | ..... exempt | Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000                | To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.   |
| *PSC-21-12-00006-P               | ..... exempt | Tariff filing requirements and refunds   | To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted             |
| *PSC-21-12-00011-P               | ..... exempt | Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47                         | Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47                         |
| *PSC-23-12-00007-P               | ..... exempt | The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility               | To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility   |
| *PSC-23-12-00009-P               | ..... exempt | Over earnings sharing between rate payers and shareholders   | To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning’s rate plan                       |
| *PSC-27-12-00012-P               | ..... exempt | Implementation of recommendations made in a Management Audit Report  | To consider implementation of recommendations made in a Management Audit Report  |
| *PSC-28-12-00013-P               | ..... exempt | Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism                    | Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics              |
| *PSC-29-12-00019-P               | ..... exempt | Waiver of 16 NYCRR 894.1 through 894.4   | To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.           |
| *PSC-30-12-00010-P               | ..... exempt | Waiver of 16 NYCRR 894.1 through 894.4   | To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process             |
| *PSC-33-12-00009-P               | ..... exempt | Telecommunications companies ability to attach to utility company poles  | Consideration of Tech Valley’s ability to attach to Central Hudson poles   |
| *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          |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |  |
| *PSC-45-12-00010-P               | ..... exempt | Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District | Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District    |
| *PSC-50-12-00003-P               | ..... exempt | Affiliate standards for Corning Natural Gas Corporation   | To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing  |
| *PSC-04-13-00006-P               | ..... exempt | Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW      | To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW                          |
| *PSC-04-13-00007-P               | ..... exempt | Authorization to transfer certain real property.  | To decide whether to approve the transfer of certain real property.  |
| *PSC-06-13-00008-P               | ..... exempt | Verizon New York Inc.'s retail service quality  | To investigate Verizon New York Inc.'s retail service quality  |
| *PSC-08-13-00012-P               | ..... exempt | Filing requirements for certain Article VII electric facilities   | To ensure that applications for certain electric transmission facilities contain pertinent information                           |
| *PSC-08-13-00014-P               | ..... exempt | Uniform System of Accounts - Request for Accounting Authorization   | To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred                  |
| *PSC-12-13-00007-P               | ..... exempt | Protecting company water mains  | To allow the company to require certain customers to make changes to the electrical grounding system at their homes              |
| *PSC-13-13-00008-P               | ..... exempt | The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.          | To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted. |
| *PSC-18-13-00007-P               | ..... exempt | Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes | Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes    |
| *PSC-21-13-00003-P               | ..... exempt | To consider policies that may impact consumer acceptance and use of electric vehicles   | To consider and further develop policies that may impact consumer acceptance and use of electric vehicles                        |
| *PSC-21-13-00005-P               | ..... exempt | To implement an abandonment of Windover's water system  | To approve the implementation of abandonment of Windover's water system  |
| *PSC-21-13-00008-P               | ..... exempt | Rates of National Fuel Gas Distribution Corporation   | To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive  |
| *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   |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |  |
| *PSC-25-13-00008-P               | ..... exempt | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.   | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.   |
| *PSC-25-13-00009-P               | ..... exempt | Provision by utilities of natural gas main and service lines.  | To help ensure efficient and economic expansion of the natural gas system as appropriate.                                      |
| *PSC-25-13-00012-P               | ..... exempt | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.   | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.   |
| *PSC-27-13-00014-P               | ..... exempt | Columbia Gas Transmission Corporation Cost Refund  | For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.        |
| *PSC-28-13-00014-P               | ..... exempt | Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces       | To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces         |
| *PSC-28-13-00016-P               | ..... exempt | The request of NGT for lightened regulation as a gas corporation.  | To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.                    |
| *PSC-28-13-00017-P               | ..... exempt | The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments          | Consider the request by TE for waiver of regulations that gas be odorized in certain lines                                     |
| *PSC-32-13-00009-P               | ..... exempt | To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices                 | To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices                 |
| *PSC-32-13-00012-P               | ..... exempt | To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion       | To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion       |
| *PSC-33-13-00027-P               | ..... exempt | Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines. | Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.         |
| *PSC-33-13-00029-P               | ..... exempt | Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.                     | To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy. |
| *PSC-34-13-00004-P               | ..... exempt | Escrow account and surcharge to fund extraordinary repairs   | To approve the establishment of an escrow account and surcharge  |
| *PSC-42-13-00013-P               | ..... exempt | Failure to Provide Escrow Information  | The closure of the Escrow Account  |
| *PSC-42-13-00015-P               | ..... exempt | Failure to Provide Escrow Information  | The closure of the Escrow Account  |
| *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             |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |   |
| *PSC-45-13-00023-P               | ..... exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).  | To consider a waiver of certain regulations relating to the content of an application for transmission line siting                |
| *PSC-45-13-00024-P               | ..... exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.  | To consider a waiver of certain regulations relating to the content of an application for transmission line siting                |
| *PSC-45-13-00025-P               | ..... exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).  | To consider a waiver of certain regulations relating to the content of an application for transmission line siting                |
| *PSC-47-13-00009-P               | ..... exempt | Petition for submetering of electricity.   | To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.               |
| *PSC-47-13-00012-P               | ..... exempt | Conditioning, restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.                 | Consideration of conditioning, restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.     |
| *PSC-49-13-00008-P               | ..... exempt | Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.                          | To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.          |
| *PSC-51-13-00009-P               | ..... exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.      | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.                           |
| *PSC-51-13-00010-P               | ..... exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.      | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.                           |
| *PSC-51-13-00011-P               | ..... exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.      | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.                           |
| *PSC-52-13-00012-P               | ..... exempt | The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC). | To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).   |
| *PSC-52-13-00015-P               | ..... exempt | To enter into a loan agreement with the banks for up to an amount of \$94,000.   | To consider allowing Knolls Water Company to enter into a long-term loan agreement.   |
| *PSC-05-14-00010-P               | ..... exempt | The New York State Reliability Council's revisions to its rules and measurements   | To adopt revisions to various rules and measurements of the New York State Reliability Council                                    |
| *PSC-07-14-00008-P               | ..... exempt | Petition for submetering of electricity  | To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.   |
| *PSC-07-14-00012-P               | ..... exempt | Water rates and charges  | Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project           |
| *PSC-08-14-00015-P               | ..... exempt | Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities    | To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities |
| *PSC-10-14-00006-P               | ..... exempt | Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance                   | To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance                    |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |  |
| *PSC-11-14-00003-P               | ..... exempt | Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces       | To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces         |
| *PSC-16-14-00014-P               | ..... exempt | Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.    | To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.       |
| *PSC-16-14-00015-P               | ..... exempt | Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.     | Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336 |
| *PSC-17-14-00003-P               | ..... exempt | Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism                       | Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism                       |
| *PSC-17-14-00004-P               | ..... exempt | To consider certain portions of petitions for rehearing, reconsideration and/or clarification                                  | To consider certain portions of petitions for rehearing, reconsideration and/or clarification                                  |
| *PSC-17-14-00007-P               | ..... exempt | To consider petitions for rehearing, reconsideration and/or clarification  | To consider petitions for rehearing, reconsideration and/or clarification  |
| *PSC-17-14-00008-P               | ..... exempt | To consider certain portions of petitions for rehearing, reconsideration and/or clarification                                  | To consider certain portions of petitions for rehearing, reconsideration and/or clarification                                  |
| *PSC-19-14-00014-P               | ..... exempt | Market Supply Charge   | To make tariff revisions to the Market Supply Charge for capacity related costs  |
| *PSC-19-14-00015-P               | ..... exempt | Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications                  | To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter   |
| *PSC-22-14-00013-P               | ..... exempt | Petition to transfer and merge systems, franchises and assets.   | To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.                           |
| *PSC-23-14-00010-P               | ..... exempt | Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications | To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter                        |
| *PSC-23-14-00014-P               | ..... exempt | Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric                | Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric              |
| *PSC-24-14-00005-P               | ..... exempt | To examine LDC's performance and performance measures.   | To improve gas safety performance.   |
| *PSC-26-14-00013-P               | ..... exempt | Waiver of RG&E's tariffed definition of emergency generator.   | To consider waiver of RG&E's tariffed definition of emergency generator.   |
| *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.   |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |  |
| *PSC-30-14-00023-P               | ..... exempt | Whether to permit the use of the Sensus iPERL Fire Flow Meter.   | Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.                         |
| *PSC-30-14-00026-P               | ..... exempt | Petition for a waiver to master meter electricity.   | Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.                 |
| *PSC-31-14-00004-P               | ..... exempt | To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross                              | To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross                              |
| *PSC-32-14-00012-P               | ..... exempt | Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition   | To consider the Connect New York Coalition's petition seeking a formal investigation and hearings                                |
| *PSC-35-14-00004-P               | ..... exempt | Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY                                   | To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY                       |
| *PSC-35-14-00005-P               | ..... exempt | Whether to permit the use of the Sensus iConA electric meter   | Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter      |
| *PSC-36-14-00009-P               | ..... exempt | Modification to the Commission's Electric Safety Standards.  | To consider revisions to the Commission's Electric Safety Standards.   |
| *PSC-38-14-00003-P               | ..... exempt | Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.                                   | Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.                                   |
| *PSC-38-14-00004-P               | ..... exempt | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. |
| *PSC-38-14-00005-P               | ..... exempt | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.             | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.             |
| *PSC-38-14-00007-P               | ..... exempt | Whether to expand Con Edison's low income program to include Medicaid recipients.  | Whether to expand Con Edison's low income program to include Medicaid recipients.  |
| *PSC-38-14-00008-P               | ..... exempt | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. |
| *PSC-38-14-00010-P               | ..... exempt | Inter-carrier telephone service quality standard and metrics and administrative changes.   | To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.   |
| *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.                           |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |  |
| *PSC-40-14-00009-P               | ..... exempt | Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.      | Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.           |
| *PSC-40-14-00011-P               | ..... exempt | Late Payment Charge.  | To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.                |
| *PSC-40-14-00013-P               | ..... exempt | Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.        | To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.       |
| *PSC-40-14-00014-P               | ..... exempt | Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)   | To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.      |
| *PSC-40-14-00015-P               | ..... exempt | Late Payment Charge.  | To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.                |
| *PSC-42-14-00003-P               | ..... exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries   | The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries   |
| *PSC-42-14-00004-P               | ..... exempt | Winter Bundled Sales Service Option   | To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge   |
| *PSC-48-14-00014-P               | ..... exempt | Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line. | To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.            |
| *PSC-52-14-00019-P               | ..... exempt | Petition for a waiver to master meter electricity.  | Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY.. |
| *PSC-01-15-00014-P               | ..... exempt | State Universal Service Fund Disbursements  | To consider Edwards Telephone Company's request for State Universal Service Fund disbursements                                 |
| *PSC-08-15-00010-P               | ..... exempt | Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.                   | To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.                 |
| *PSC-10-15-00007-P               | ..... exempt | Notification concerning tax refunds   | To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds   |
| *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  |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |   |
| *PSC-13-15-00028-P               | ..... exempt | Whether to permit the use of the SATEC EM920 electric meter  | To permit necessary to permit the use of the SATEC EM920 electric meter   |
| *PSC-13-15-00029-P               | ..... exempt | Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters                   | To permit the use of the Triacta submeters  |
| *PSC-17-15-00007-P               | ..... exempt | To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million | To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million  |
| *PSC-18-15-00005-P               | ..... exempt | Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism                 | Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism                  |
| *PSC-19-15-00011-P               | ..... exempt | Gas Safety Performance Measures and associated negative revenue adjustments  | To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid                         |
| *PSC-22-15-00015-P               | ..... exempt | To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)            | To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)             |
| *PSC-23-15-00005-P               | ..... exempt | The modification of New York American Water's current rate plan  | Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff  |
| *PSC-23-15-00006-P               | ..... exempt | The modification of New York American Water's current rate plan  | Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff  |
| *PSC-25-15-00008-P               | ..... exempt | Notice of Intent to Submeter electricity.  | To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.  |
| *PSC-29-15-00025-P               | ..... exempt | Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY                    | Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY                |
| *PSC-32-15-00006-P               | ..... exempt | Development of a Community Solar Demonstration Project.  | To approve the development of a Community Solar Demonstration Project.  |
| *PSC-33-15-00009-P               | ..... exempt | Remote net metering of a demonstration community net metering program.   | To consider approval of remote net metering of a demonstration community net metering program.                            |
| *PSC-33-15-00012-P               | ..... exempt | Remote net metering of a Community Solar Demonstration Project.  | To consider approval of remote net metering of a Community Solar Demonstration Project.                                   |
| *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                              |



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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |   |
| *PSC-42-15-00006-P               | ..... exempt | Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC. | Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.      |
| *PSC-44-15-00028-P               | ..... exempt | Deferral of incremental expenses associated with new compliance requirements   | Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements           |
| *PSC-47-15-00013-P               | ..... exempt | Whitepaper on Implementing Lightened Ratemaking Regulation.  | Consider Whitepaper on Implementing Lightened Ratemaking Regulation.  |
| *PSC-48-15-00011-P               | ..... exempt | Proposal to retire Huntley Units 67 and 68 on March 1, 2016.   | Consider the proposed retirement of Huntley Units 67 and 68.  |
| *PSC-50-15-00006-P               | ..... exempt | The reduction of rates.  | To consider the reduction of rates charged by Independent Water Works, Inc.   |
| *PSC-50-15-00009-P               | ..... exempt | Notice of Intent to submeter electricity.  | To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.            |
| *PSC-51-15-00010-P               | ..... exempt | Modification of the EDP  | To consider modifying the EDP   |
| *PSC-01-16-00005-P               | ..... exempt | Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices  | To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices  |
| *PSC-04-16-00007-P               | ..... exempt | Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.         | Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility. |
| *PSC-04-16-00012-P               | ..... exempt | Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.                                   | Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.                   |
| *PSC-04-16-00013-P               | ..... exempt | Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.                   | Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.                     |
| *PSC-06-16-00013-P               | ..... exempt | Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.                                    | To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.                 |
| *PSC-06-16-00014-P               | ..... exempt | MEGA's proposed demonstration CCA program.   | To consider MEGA's proposed demonstration CCA program.  |
| *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.  |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |   |
| *PSC-18-16-00016-P               | ..... exempt | Amendments to the Uniform Business Practices of ESCOs.   | To ensure consumer protection for ESCO customers.   |
| *PSC-18-16-00018-P               | ..... exempt | Amendments to the Uniform Business Practices of ESCOs.   | To ensure consumer protection for ESCO customers.   |
| *PSC-20-16-00008-P               | ..... exempt | Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP). | To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).               |
| *PSC-20-16-00010-P               | ..... exempt | Deferral and recovery of incremental expense.  | To consider deferring costs of conducting leak survey and repairs for subsequent recovery.                                      |
| *PSC-20-16-00011-P               | ..... exempt | Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.            | To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.  |
| *PSC-24-16-00009-P               | ..... exempt | Petition to submeter gas service.  | To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY. |
| *PSC-25-16-00009-P               | ..... exempt | To delay Companies' third-party assessments of customer personally identifiable information until 2018.                | To extend the time period between the Companies' third-party assessments of customer personally identifiable information.       |
| *PSC-25-16-00025-P               | ..... exempt | Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.      | To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.   |
| *PSC-25-16-00026-P               | ..... exempt | Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.      | To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.            |
| *PSC-28-16-00017-P               | ..... exempt | A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.                | To determine appropriate rules for and calculation of the distributed generation reliability credit.                            |
| *PSC-29-16-00024-P               | ..... exempt | Participation of NYPA customers in surcharge-funded clean energy programs.   | To consider participation of NYPA customers in surcharge-funded clean energy programs.  |
| *PSC-32-16-00012-P               | ..... exempt | Benefit-Cost Analysis Handbooks.   | To evaluate proposed methodologies of benefit-cost evaluation.  |
| *PSC-33-16-00001-EP              | ..... exempt | Use of escrow funds for repairs.   | To authorize the use of escrow account funds for repairs.   |
| *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.           |

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| *PSC-47-16-00009-P               | ..... exempt | Petition to use commercial electric meters   | To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications            |
| *PSC-47-16-00010-P               | ..... exempt | Standby Service rate design  | To consider the report filed and the recommendations therein   |
| *PSC-47-16-00013-P               | ..... exempt | Standby Service rate design  | To consider the report filed and the recommendations therein   |
| *PSC-47-16-00014-P               | ..... exempt | Standby Service rate design  | To consider the report filed and the recommendations therein   |
| *PSC-47-16-00016-P               | ..... exempt | Standby Service rate design  | To consider the report filed and the recommendations therein   |
| *PSC-02-17-00010-P               | ..... exempt | Implementation of the four EAMs.   | To consider the implementation of EAMs for RG&E.   |
| *PSC-02-17-00012-P               | ..... exempt | Implementation of the four EAMs.   | To consider the implementation of EAMs for NYSEG.  |
| *PSC-18-17-00024-P               | ..... exempt | A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades | To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.                             |
| *PSC-18-17-00026-P               | ..... exempt | Revisions to the Dynamic Load Management surcharge.  | To consider revisions to the Dynamic Load Management surcharge.  |
| *PSC-19-17-00004-P               | ..... exempt | NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.            | Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.   |
| *PSC-20-17-00008-P               | ..... exempt | Compressed natural gas as a motor fuel for diesel fueled vehicles.   | To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel. |
| *PSC-20-17-00010-P               | ..... exempt | Compressed natural gas as a motor fuel for diesel fueled vehicles.   | To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.    |
| *PSC-21-17-00013-P               | ..... exempt | The establishment and implementation of Earnings Adjustment Mechanisms.  | To consider the establishment and implementation of Earnings Adjustment Mechanisms.  |
| *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.                             |

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

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| *PSC-14-18-00006-P               | ..... exempt | Petition for abandonment  | To consider the abandonment of Willsboro Bay Water Company's water system   |
| *PSC-17-18-00010-P               | ..... exempt | Petition for use of gas metering equipment.   | To ensure that consumer bills are based on accurate measurements of gas usage.                                    |
| *PSC-18-18-00009-P               | ..... exempt | Transfer of control of Keene Valley Video Inc.  | To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest |
| *PSC-23-18-00006-P               | ..... exempt | Whether to impose consequences on Aspiry for its non-compliance with Commission requirements. | To ensure the provision of safe and adequate energy service at just and reasonable rates.                         |
| *PSC-24-18-00013-P               | ..... exempt | Implementation of program rules for Renewable Energy Standard and ZEC requirements.           | To promote and maintain renewable and zero-emission electric energy resources.                                    |
| *PSC-28-18-00011-P               | ..... exempt | Storm Hardening Collaborative Report.   | To ensure safe and adequate gas service.  |
| *PSC-29-18-00008-P               | ..... exempt | Participation in Targeted Accessibility Fund  | To encourage enhanced services for low-income consumers   |
| *PSC-29-18-00009-P               | ..... exempt | Overvaluing real property tax expense recovery in water rates                                 | To prevent unjust and unreasonable water rates  |
| *PSC-34-18-00015-P               | ..... exempt | Petition to submeter electricity.   | To ensure adequate submetering equipment and energy efficiency protections are in place.                          |
| *PSC-34-18-00016-P               | ..... exempt | Deferral of pre-staging and mobilization storm costs.   | To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.  |
| *PSC-35-18-00003-P               | ..... exempt | Con Edison's 2018 DSIP and BCA Handbook Update.   | To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.        |
| *PSC-35-18-00005-P               | ..... exempt | NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.   | To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.      |
| *PSC-35-18-00006-P               | ..... exempt | National Grid's 2018 DSIP and BCA Handbook Update.  | To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.     |
| *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.                     |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |  |
| *PSC-42-18-00011-P               | ..... exempt | Voluntary residential beneficial electrification rate design.  | To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.  |
| *PSC-42-18-00013-P               | ..... exempt | Petition for clarification and rehearing of the Smart Solutions Program Order.   | To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.         |
| *PSC-44-18-00016-P               | ..... exempt | Petition for approval of gas metering equipment.   | To ensure that customer bills are based on accurate measurements of gas usage.   |
| *PSC-45-18-00005-P               | ..... exempt | Notice of intent to submeter electricity and waiver of energy audit  | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place                    |
| *PSC-47-18-00008-P               | ..... exempt | Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.                      | To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.                  |
| *PSC-01-19-00004-P               | ..... exempt | Advanced Metering Infrastructure.  | To determine whether Niagara Mohawk Power Corporation d/b/a National Grid should implement advanced metering infrastructure.     |
| *PSC-01-19-00013-P               | ..... exempt | Order of the Commission related to caller ID unblocking.   | To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.          |
| *PSC-03-19-00002-P               | ..... exempt | DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings. | To reduce damage to underground utility facilities by requiring certain training and approving training curricula.               |
| *PSC-04-19-00004-P               | ..... exempt | Con Edison's petition for the Gas Innovation Program and associated budget.  | To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals. |
| *PSC-04-19-00011-P               | ..... exempt | Update of revenue targets.   | To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.                                       |
| *PSC-06-19-00005-P               | ..... exempt | Consideration of the Joint Utilities' proposed BDP Program.  | To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.          |
| *PSC-07-19-00009-P               | ..... exempt | Whether to impose consequences on AAA for its non-compliance with Commission requirements.                                     | To insure the provision of safe and adequate energy service at just and reasonable rates.  |
| *PSC-07-19-00016-P               | ..... exempt | Participation in New York State Lifeline Program.  | To encourage enhanced services for low-income customers.   |
| *PSC-09-19-00010-P               | ..... exempt | Non-pipeline alternatives report recommendations.  | To consider the terms and conditions applicable to gas service.  |
| *PSC-12-19-00004-P               | ..... exempt | To test innovative pricing proposals on an opt-out basis.  | To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.            |
| *PSC-13-19-00010-P               | ..... exempt | New Commission requirements for gas company operator qualification programs.   | To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.        |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |   |
| PSC-19-19-00013-P                | ..... exempt | Proposed merger of three water utilities into one corporation.   | To determine if the proposed merger is in the public interest.  |
| PSC-19-19-00014-P                | ..... exempt | Establishment of the regulatory regime applicable to an approximately 124 MW electric generating facility.                 | Consideration of a lightened regulatory regime for an approximately 124 MW electric generating facility.                          |
| PSC-19-19-00016-P                | ..... exempt | Establishment of the regulatory regime applicable to an approximately 242 MW electric generating facility.                 | Consideration of a lightened regulatory regime for an approximately 242 MW electric generating facility.                          |
| PSC-20-19-00008-P                | ..... exempt | Reporting on energy sources  | To ensure accurate reporting and encourage clean energy purchases   |
| PSC-20-19-00010-P                | ..... exempt | Compensation policies for certain CHP projects   | To consider appropriate rules for compensation of certain CHP resources   |
| PSC-20-19-00015-P                | ..... exempt | Establishment of the regulatory regime applicable to an approximately 105.8 MW electric generating facility                | Consideration of a lightened regulatory regime for an approximately 105.8 MW electric generating facility                         |
| PSC-23-19-00005-P                | ..... exempt | Proposed major rate increase in SWNY's annual base revenues of approximately \$31.5 million (or 19.8% in total revenues).  | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.                  |
| PSC-31-19-00011-P                | ..... exempt | Electric metering equipment.   | To ensure that consumer bills are based on accurate measurements of electric usage.   |
| PSC-31-19-00013-P                | ..... exempt | Implementation of Statewide Energy Benchmarking.   | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.                  |
| PSC-31-19-00015-P                | ..... exempt | Proposed major rate increase in KEDNY's gas delivery revenues by \$236.8 million (13.6% increase in total revenues).       | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.                  |
| PSC-31-19-00016-P                | ..... exempt | Proposed major rate increase in KEDLI's gas delivery revenues of approximately \$49.4 million (or 4.1% in total revenues). | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.                  |
| PSC-32-19-00008-P                | ..... exempt | Compensation of distributed energy resources   | To ensure just and reasonable rates, including compensation, for distributed energy resources                                     |
| PSC-32-19-00010-P                | ..... exempt | Notice of intent to submeter electricity   | To ensure adequate submetering equipment and consumer protections are in place  |
| PSC-32-19-00012-P                | ..... exempt | Standby Service Rates and Buyback Service Rates  | To ensure just and reasonable rates, including compensation, for distributed energy resources                                     |
| PSC-32-19-00013-P                | ..... exempt | Disposition of tax refunds received by New York American Water Company, Inc.   | To determine the disposition of tax refunds and other related matters   |
| PSC-34-19-00015-P                | ..... exempt | Major electric rate filing.  | To consider a proposed increase in RG&E's electric delivery revenues of approximately \$31.7 million (or 4.1% in total revenues). |
| PSC-34-19-00016-P                | ..... exempt | Major gas rate filing.   | To consider a proposed increase in RG&E's gas delivery revenues of approximately \$5.8 million (or 1.4% in total revenues).       |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| PSC-34-19-00017-P                | ..... exempt | Notice of intent to submeter electricity.   | To ensure adequate submetering equipment and consumer protections are in place.   |
| PSC-34-19-00018-P                | ..... exempt | Major electric rate filing.   | To consider a proposed increase in NYSEG's electric delivery revenues of approximately \$156.7 million (10.4% in total revenues). |
| PSC-34-19-00020-P                | ..... exempt | Major gas rate filing.  | To consider a proposed increase in NYSEG's gas delivery revenues of approximately \$6.3 million (or 1.4% in total revenues).      |
| PSC-36-19-00009-P                | ..... exempt | Minor rate filing to increase annual electric revenues.                                     | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.                  |
| PSC-36-19-00011-P                | ..... exempt | Minor electric rate filing to increase annual electric revenues.                            | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.                  |
| PSC-38-19-00002-P                | ..... exempt | Petition to submeter electricity  | To ensure adequate submetering equipment and consumer protections are in place  |
| PSC-39-19-00018-P                | ..... exempt | Petition to submeter electricity.   | To ensure adequate submetering equipment and consumer protections are in place.   |
| PSC-39-19-00020-P                | ..... exempt | Initial Tariff Schedule, P.S.C. No. 1 - Water.  | To ensure safe and adequate service at just and reasonable rates charged to customers without preferences.                        |
| PSC-41-19-00003-P                | ..... exempt | A voluntary residential three-part rate that would include fixed, usage and demand charges. | To provide qualifying residential customers with an optional three-part rate.   |
| PSC-43-19-00014-P                | ..... exempt | Petition for the use of electric metering equipment.  | To ensure that consumer bills are based on accurate measurements of electric usage.   |
| PSC-43-19-00015-P                | ..... exempt | Modifications to the Gas Cost Factor and Daily Delivery Service Programs.                   | To consider a rehearing petition filed by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.   |
| PSC-44-19-00003-P                | ..... exempt | Proposed revisions to Standby Service Rates and Buyback Service Rates.                      | To ensure just and reasonable rates, including compensation, for distributed energy resources.                                    |
| PSC-44-19-00004-P                | ..... exempt | Notice of intent to submeter electricity.   | To ensure adequate submetering equipment and consumer protections are in place.   |
| PSC-44-19-00005-P                | ..... exempt | Proposed revisions to Standby Service Rates and Buyback Service Rates.                      | To ensure just and reasonable rates, including compensation, for distributed energy resources.                                    |
| PSC-44-19-00006-P                | ..... exempt | Proposed revisions to Standby Service Rates and Buyback Service Rates.                      | To ensure just and reasonable rates, including compensation, for distributed energy resources.                                    |
| PSC-44-19-00007-P                | ..... exempt | Proposed revisions to Standby Service Rates and Buyback Service Rates.                      | To ensure just and reasonable rates, including compensation, for distributed energy resources.                                    |
| PSC-44-19-00008-P                | ..... exempt | Notice of intent to submeter electricity.   | To ensure adequate submetering equipment and consumer protections are in place.   |
| PSC-44-19-00009-P                | ..... exempt | Proposed revisions to Standby Service Rates and Buyback Service Rates.                      | To ensure just and reasonable rates, including compensation, for distributed energy resources.                                    |



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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |  |
| PSC-45-19-00011-P                | ..... exempt | Notice of intent to submeter electricity.  | To ensure adequate submetering equipment and consumer protections are in place.  |
| PSC-45-19-00012-P                | ..... exempt | Notice of intent to submeter electricity.  | To ensure adequate submetering equipment and consumer protections are in place.  |
| PSC-45-19-00013-P                | ..... exempt | Notice of intent to submeter electricity.  | To ensure adequate submetering equipment and consumer protections are in place.  |
| PSC-46-19-00008-P                | ..... exempt | Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.               | To promote and maintain renewable electric energy resources.   |
| PSC-46-19-00010-P                | ..... exempt | To test innovative rate designs on an opt-out basis.   | To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals      |
| PSC-47-19-00011-P                | ..... exempt | Waiver of National Grid's code of conduct to allow for use of its name.                            | To determine if it is in the public interest to allow for the use of National Grid's name in the weatherization program. |
| PSC-48-19-00005-P                | ..... exempt | Notice of intent to submeter electricity.  | To ensure adequate submetering equipment and consumer protections are in place.  |
| PSC-48-19-00006-P                | ..... exempt | Notice of intent to submeter electricity.  | To ensure adequate submetering equipment and consumer protections are in place.  |
| PSC-48-19-00007-P                | ..... exempt | Extension of the State Universal Service Fund.   | To continue to provide universal service at a reasonable rate in certain service territories.                            |
| PSC-50-19-00004-P                | ..... exempt | Petition to submeter electricity and waiver of energy audit.                                       | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.           |
| PSC-50-19-00006-P                | ..... exempt | Compensation of and incentives for distributed energy resources.                                   | To encourage the development of and ensure just and reasonable rates for distributed energy resources.                   |
| PSC-52-19-00001-P                | ..... exempt | SUEZ Water New York Inc.'s acquisition of 100% of Heritage Hills Water Works Corporation's assets. | To determine if the proposed acquisition is in the public interest.  |
| PSC-52-19-00003-P                | ..... exempt | Notice of intent to submeter electricity and waiver of energy audit.                               | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.           |
| PSC-52-19-00005-P                | ..... exempt | Compensation of and rates for distributed energy resources.  | To encourage the development of and ensure just and reasonable rates for distributed energy resources.                   |
| PSC-52-19-00006-P                | ..... exempt | Authorization to defer pension settlement losses.  | To address the ratemaking related to the pension settlement losses.  |
| PSC-53-19-00006-P                | ..... exempt | To amend the terms to which the customer must abide when discontinuing gas service.                | To ensure safe and adequate service at just and reasonable rates charged to customers without preferences.               |
| PSC-53-19-00007-P                | ..... exempt | Notice of intent to submeter electricity.  | To ensure adequate submetering equipment and consumer protections are in place.  |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |   |
| PSC-01-20-00008-P                | ..... exempt | Request for waiver of 16 NYCRR § 96.5(k)(3).   | To consider the request for waiver of the energy audit requirement requirement per 16 NYCRR 96.5(k)(3).                       |
| PSC-01-20-00010-P                | ..... exempt | Proposed transfer of water supply assets and dissolution of the Company.   | To determine whether the transfer of water supply assets to the Town of North Collins is in the public interest.              |
| PSC-02-20-00005-P                | ..... exempt | The 2020 Electric Emergency Response Plans for electric utilities subject to the provisions of PSL § 25-a                        | To consider the adequacy of the 2020 Electric Emergency Response Plans  |
| PSC-02-20-00006-P                | ..... exempt | The application of the earnings sharing mechanism related to a partial year period.  | To consider O&R's petition to modify the application of the earnings sharing mechanism.                                       |
| PSC-03-20-00008-P                | ..... exempt | Authority to issue and sell unsecured debt obligations   | To consider the Company's request for authority to issue and sell unsecured debt obligations                                  |
| PSC-03-20-00009-P                | ..... exempt | Changes to the Utility Energy Registry   | To determine appropriate rules for data availability  |
| PSC-03-20-00010-P                | ..... exempt | Waivers of certain tariff provisions and terms of an agreement for the provision of service                                      | Whether a proposed agreement for provision of service by Saratoga Water Services, Inc. is in the public interest              |
| PSC-04-20-00010-P                | ..... exempt | Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units. | To consider the petition of Comunilife Woodhull HDFC for waiver of Opinion No. 76-17 and 16 NYCRR Part 96.                    |
| PSC-04-20-00014-P                | ..... exempt | Transfer of the Indian Point site, nuclear waste, and decommissioning and site restoration funds from Entergy to Holtec.         | To protect the public interest.   |
| PSC-05-20-00003-P                | ..... exempt | Notice of intent to submeter electricity.  | To ensure adequate submetering equipment and consumer protections are in place.   |
| PSC-05-20-00004-P                | ..... exempt | A statewide Make-Ready Program that that would provide incentives to deploy EVSE&I to charge light duty electric vehicles (EV).  | To deploy the infrastructure needed to meet the State's goals of 850,000 EVs by 2025 and recommend appropriate utility roles. |
| PSC-05-20-00005-P                | ..... exempt | Wireline and wireless pole attachment rates.   | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.              |
| PSC-05-20-00006-P                | ..... exempt | Waiver of pipeline reassessment completion deadline while adequate tools to conduct inspection are found.                        | To ensure the safety of the Clove Lake Segment Pipeline with the use of adequate reassessment tools.                          |
| PSC-05-20-00007-P                | ..... exempt | Petition to submeter electricity.  | To ensure adequate submetering equipment and consumer protections are in place.   |
| PSC-06-20-00012-P                | ..... exempt | Notice of intent to submeter electricity.  | To ensure adequate submetering equipment and consumer protections are in place.   |
| PSC-06-20-00013-P                | ..... exempt | Notice of intent to submeter electricity.  | To ensure adequate submetering equipment and consumer protections are in place.   |
| PSC-06-20-00014-P                | ..... exempt | A program for the procurement of Renewable Energy Certificates from existing renewable resources.                                | To purchase Renewable Energy Certificates and maintain the State's baseline of existing renewable resources.                  |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| PSC-06-20-00015-P                | ..... exempt | New Tariff Schedule, P.S.C. No. 3 - Water and waiver of rate setting authority.                     | To provide the rates, rules, and regulations under which water service will be provided to the customers of the system. |
| PSC-06-20-00016-P                | ..... exempt | Notice of intent to submeter electricity and waiver of energy audit.                                | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.          |
| PSC-06-20-00017-P                | ..... exempt | Petitions for rehearing, reconsideration, clarification and stay of the December 12, 2019 Order.    | To determine whether the Commission should grant, deny, or modify the relief sought and actions proposed by Petitioners |
| PSC-07-20-00006-P                | ..... exempt | Discontinuation of a program administered by Con Edison and removal of the program from the tariff. | Consider discontinuation of the Smart AC Kit Program.   |
| PSC-07-20-00007-P                | ..... exempt | Procurement of environmental attributes associated with offshore wind resources.                    | To achieve the State's renewable and clean energy goals.  |
| PSC-07-20-00008-P                | ..... exempt | Notice of intent to submeter electricity.   | To ensure adequate submetering equipment and consumer protections are in place.   |
| PSC-07-20-00009-P                | ..... exempt | Transfer of street lighting facilities.   | To consider whether the transfer of certain street lighting facilities is in the public interest.                       |
| PSC-07-20-00010-P                | ..... exempt | Notice of intent to submeter electricity.   | To ensure adequate submetering equipment and consumer protections are in place.   |
| PSC-07-20-00011-P                | ..... exempt | Transfer of street lighting facilities.   | To consider the transfer of street lighting facilities to the Town of Fallsburg.  |
| PSC-08-20-00002-P                | ..... exempt | Transfer of stock resulting in a complete ownership transfer.                                       | To determine whether the proposed transfer is in the public interest.   |
| PSC-08-20-00003-P                | ..... exempt | PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).  | To consider a waiver of certain regulations relating to the content of an application for transmission line siting.     |
| PSC-08-20-00004-P                | ..... exempt | Waiver of provisions and service agreement.   | To consider if the waiver and the proposed terms of a service agreement are in the public interest.                     |
| PSC-08-20-00005-P                | ..... exempt | The use funding for certain pipeline safety programs.   | To ensure appropriate use of funds reserved for gas safety programs.  |
| PSC-08-20-00006-P                | ..... exempt | To establish procedures and modify terminology for Underground Residential Distribution Systems.    | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.        |
| PSC-09-20-00002-P                | ..... exempt | Request for waiver of 16 NYCRR 96.5(k)(3).  | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.          |
| PSC-09-20-00003-P                | ..... exempt | Proposed transfer of the Company's assets to the Town and dissolution of the Company.               | To determine if transfer of the water system to the Town of North Greenbush is in the public interest.                  |
| PSC-09-20-00004-P                | ..... exempt | Petition to submeter electricity.   | To ensure adequate submetering equipment and consumer protections are in place.   |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |  |
| PSC-09-20-00005-P                | ..... exempt | Petition for the use of gas metering equipment.   | To ensure that consumer bills are based on accurate measurements of gas usage.   |
| PSC-09-20-00006-P                | ..... exempt | Petition for the use of an electric meter in submetering applications.  | Whether to permit the use of the GG electric meter in submetering applications in New York State.                              |
| PSC-10-20-00003-P                | ..... exempt | The Commission's statewide low-income discount policy.  | To consider modifications to certain conditions regarding utility low-income discount programs.                                |
| PSC-10-20-00004-P                | ..... exempt | Recovery of extraordinary repair expenses and establishment of an escrow account.   | To consider if the proposed escrow account is in the public interest.  |
| PSC-10-20-00005-P                | ..... exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.               | To consider whether Family Energy, Inc. should be granted a waiver to offer two "green gas" products to mass market customers. |
| PSC-10-20-00006-P                | ..... exempt | Petition to submeter electricity.   | To ensure adequate submetering equipment and consumer protections are in place.  |
| PSC-11-20-00006-P                | ..... exempt | Notice of intent to submeter electricity.   | To ensure adequate submetering equipment and consumer protections are in place.  |
| PSC-11-20-00007-P                | ..... exempt | Deferral and recovery of incremental costs and establishment of an extraordinary repair escrow account.                         | To consider deferring costs related to water main leak repairs for subsequent recovery and establishment of an escrow account. |
| PSC-11-20-00008-P                | ..... exempt | Revisions to the proration tariff language.   | To consider revisions to the proration tariff language under Leaf 18.1, 18 61 to 64 and Leaf 69.                               |
| PSC-11-20-00009-P                | ..... exempt | Proposed transfer of water supply assets.   | To determine whether the transfer of assets from Whitlock to NYAW is in the public interest.                                   |
| PSC-11-20-00010-P                | ..... exempt | The proposed transfer of ownership interests in an existing transmission line.  | Consideration of whether the proposed transfer is in the public interest.  |
| PSC-11-20-00011-P                | ..... exempt | Application of the Public Service Law to owners of a proposed 345 kilovolt (kV) transmission line providing wholesale services. | To determine whether to apply a lightened regulatory regime to the owners of a proposed 345 kV transmission line.              |
| PSC-12-20-00007-P                | ..... exempt | Request for waiver of tariff provision.   | Consideration of a request for waiver of tariff provision.   |
| 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-12-20-00009-P                | ..... exempt | Clarify language regarding treatment of multi-unit buildings in CDG projects.   | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.               |
| PSC-12-20-00010-P                | ..... exempt | Direct Energy, LLC's Green Gas Products.  | To consider whether Direct Energy, LLC should be allowed to offer two Green Gas Products to mass market customers.             |
| PSC-12-20-00011-P                | ..... exempt | Sale of facilities.   | To consider whether the sale of facilities is in the public interest.  |

| Agency I.D. No.                  | Expires        | Subject Matter   | Purpose of Action  |
|----------------------------------|----------------|--|--|
| <b>PUBLIC SERVICE COMMISSION</b> |                |  |  |
| PSC-12-20-00012-P                | ..... exempt   | Transfer of street lighting facilities.  | Consideration of petition by NYSEG for transfer of assets to the City of Ithaca.                                 |
| PSC-12-20-00013-P                | ..... exempt   | Changes to PSL Section 66-p relating to billing information for residential rental premises. | To establish provisions as necessary to effectuate PSL Section 66-p.   |
| PSC-12-20-00014-P                | ..... exempt   | Changes to PSL Section 66-p relating to billing information for residential rental premises. | To establish provisions as necessary to effectuate PSL Section 66-p.   |
| PSC-12-20-00015-P                | ..... exempt   | Changes to PSL Section 66-p relating to billing information for residential rental premises. | To establish provisions as necessary to effectuate PSL Section 66-p.   |
| PSC-12-20-00016-P                | ..... exempt   | Changes to PSL Section 66-p relating to billing information for residential rental premises. | To establish provisions as necessary to effectuate PSL Section 66-p.   |
| PSC-12-20-00017-P                | ..... exempt   | Changes to PSL Section 66-p relating to billing information for residential rental premises. | To establish provisions as necessary to effectuate PSL Section 66-p.   |
| PSC-12-20-00018-P                | ..... exempt   | Changes to PSL Section 66-p relating to billing information for residential rental premises. | To establish provisions as necessary to effectuate PSL Section 66-p.   |
| PSC-12-20-00019-P                | ..... exempt   | Changes to PSL Section 66-p relating to billing information for residential rental premises. | To establish provisions as necessary to effectuate PSL Section 66-p.   |
| PSC-12-20-00020-P                | ..... exempt   | Changes to PSL Section 66-p relating to billing information for residential rental premises. | To establish provisions as necessary to effectuate PSL Section 66-p.   |
| PSC-12-20-00021-P                | ..... exempt   | Changes to PSL Section 66-p relating to billing information for residential rental premises. | To establish provisions as necessary to effectuate PSL Section 66-p.   |
| PSC-12-20-00022-P                | ..... exempt   | Changes to PSL Section 66-p relating to billing information for residential rental premises. | To establish provisions as necessary to effectuate PSL Section 66-p.   |
| PSC-13-20-00006-P                | ..... exempt   | Utility capital expenditure proposal.  | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| PSC-13-20-00007-P                | ..... exempt   | Request for waiver of 16 NYCRR § 96.5(k)(3).   | To ensure adequate energy efficiency protections are in place.   |
| PSC-13-20-00008-P                | ..... exempt   | Transfer of street light facilities.   | To consider the transfer of street lighting facilities to the Village of Lancaster.                              |
| <b>STATE, DEPARTMENT OF</b>      |                |  |  |
| DOS-42-19-00001-P                | ..... 10/15/20 | Real estate advertisements   | To update current regulations concerning real estate advertisements  |
| DOS-02-20-00003-P                | ..... 01/14/21 | Enhanced fair housing provisions   | To provide additional notices and other enhancements relating to fair housing and the Human Rights Law           |

**Action Pending Index****NYS Register/April 8, 2020**

| Agency I.D. No.                            | Expires  | Subject Matter   | Purpose of Action   |
|--|----------|--|---|
| <b>STATE UNIVERSITY OF NEW YORK</b>        |          |  |   |
| SUN-53-19-00002-P                          | 12/30/20 | Proposed amendments to the traffic and parking regulations at State University of New York College at Old Westbury               | Amend existing regulations to update traffic and parking regulations  |
| SUN-53-19-00005-P                          | 12/30/20 | Proposed amendments to the traffic and parking regulations at State University Agricultural and Technical College at Morrisville | Amend existing regulations to update traffic and parking regulations  |
| SUN-14-20-00001-P                          | 04/08/21 | Proposed amendments to the traffic and parking regulations at State University of New York System Administration.                | Amend existing regulations to update traffic and parking regulations.   |
| <b>TAXATION AND FINANCE, DEPARTMENT OF</b> |          |  |   |
| TAF-02-20-00001-EP                         | 01/14/21 | Property tax levy limits for school districts in relation to certain costs resulting from capital local expenditures             | To implement Education Law 2023-a relating to certain costs resulting from capital local expenditures of school districts |
| TAF-07-20-00013-P                          | exempt   | Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.                   | To set the sales tax component and the composite rate per gallon for the period April 1, 2020 through June 30, 2020.      |
| <b>THRUWAY AUTHORITY, NEW YORK STATE</b>   |          |  |   |
| THR-01-20-00003-P                          | 01/07/21 | Toll rate adjustments on the New York State Thruway system.  | To provide for toll rate adjustments necessary to support the Authority's financial obligations.                          |
| <b>WORKERS' COMPENSATION BOARD</b>         |          |  |   |
| WCB-31-19-00018-RP                         | 07/30/20 | Medical Treatment Guidelines   | Add guidelines for treatment of hip and groin, foot and ankle, elbow and occupational interstitial lung disease           |
| WCB-37-19-00002-P                          | 09/10/20 | Applications for Reopenings  | Clarify the process for reopening a case that has been previously closed  |
| WCB-11-20-00005-EP                         | 03/18/21 | Updating the prescription drug formulary   | To update the prescription drug formulary in response to continuous feedback  |

# SECURITIES OFFERINGS

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## STATE NOTICES

Published pursuant to provisions of General Business Law  
[Art. 23-A, § 359-e(2)]

## DEALERS; BROKERS

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### 9enumbra | LLC

325 Miron Dr., Suite 130, Southlake, TX 76092  
*Partnership* — James A. Walsh & W. Kevin Nichols

400 Claremont Ave. Opportunity Zone II, LLC  
25 Senate Place, Retail #2, Jersey City, NJ 07306  
*State or country in which incorporated* — New Jersey

AE Industrial Partners Aerospace Aggregator, LP — Series A  
2500 N. Military Trail, Suite 470, Boca Raton, FL 33431  
*Partnership* — AE Industrial Partners Aerospace Aggregator Series A  
GP, LP

### Arkema

420 rue d'Estienne d'Orves, 927000 Colombes, France  
*State or country in which incorporated* — France

### Auryn Resources Inc.

1199 W. Hastings St., Suite 600, Vancouver, British Columbia, V6E  
3T5, Canada  
*State or country in which incorporated* — British Columbia

### BBH CPV WCC Co-Investment LLC

140 Broadway, New York, NY 10005

### BBH Wealth Strategies, LLC — Arohi Emerging Asia Series

140 Broadway, New York, NY 10005

### BC Partners XI GD — 1 LP

PO Box 286, Fl. 2, Trafalgar Court, Les Banques, St. Peter Port,  
Guernsey GY1 4LY  
*Partnership* — BC Partners Management XI Limited

### Blue Hill Group NCS LP

c/o Blue Hill Group NCS GP LLC, 123 W. Franklin St., Suite 520,  
Chapel Hill, NC 27516  
*Partnership* — Blue Hill Group NCS GP LLC

### Collaborative Holdings Partnership LP

347 Bowery, 2nd Fl., New York, NY 10003  
*Partnership* — Collaborative Holdings Fund GP LLC

### Collaborative Holdings Offshore Ltd.

c/o Walkers Corporate Limited, Cayman Corporate Centre, 27  
Hospital Rd., George Town, Grand Cayman KY1-9008  
*State or country in which incorporated* — Cayman Islands

Concentrates IV, a series of Bengal Capital Ventures LP  
2100 Banche Rd., Manhattan Beach, CA 90266  
*Partnership* — Marine Layer Capital LLC

### CSW Arbour Square IV Doylestown, L.P.

c/o Capital Solutions, Inc., 910 Harvest Dr., Suite 105, Blue Bell, PA  
19422  
*Partnership* — ASIV GP, LLC

### Dogwood Brands Company

218 Kingfisher Dr., Sugar Land, TX 77478  
*State or country in which incorporated* — Delaware

### Eagle Tower LLC

3225 McLeod Dr., Suite 100, Las Vegas, NV 89121  
*State or country in which incorporated* — New York

### EMMAC Life Sciences Ltd.

Gilmoora House, 57-61 Mortimer St., London, United Kingdom  
W1W 8HS  
*State or country in which incorporated* — United Kingdom

### EMR Capital Co-Investment VII, LP

190 Elgin Ave., Georgetown, Grand Cayman KY1-9007, Cayman  
Islands  
*Partnership* — EMR Capital Co-Investment III GP Limited

### EQUIAM Private Alpha Cayman Fund LP, The

c/o Ogier Global (Cayman) Limited, 89 Nexus Way, Camana Bay,  
Grand Cayman, Cayman Islands KY1-9009  
*Partnership* — Equiam GP II LLC

### EQUIAM Private Alpha Fund, LP, The

415 Mission St., Suite 5510, San Francisco, CA 94105  
*Partnership* — Equiam GP II LLC

### GreenSummit Insight Fund, LP

1829 Reisterstown Rd., Suite 350, Pikesville, MD 21208  
*Partnership* — GreenSummit Insight GP, LLC

### HopTo, Inc.

Six Loudon Rd., Suite 200, Concord, NH 03301  
*State or country in which incorporated* — Delaware

### KLC Fund I LP

655 Montgomery St., Suite 1905, San Francisco, CA 94111  
*Partnership* — KLC Fund I GP LP

### LCP Opportunity Zone Fund I LP

50 Main St., Suite 1410, White Plains, NY 10606  
*Partnership* — LCP OZF I GP LLC

### Lifquest World Corp.

100 Challenger Rd., 8th Fl., Ridgefield Park, NJ 07660  
*State or country in which incorporated* — Minnesota

Millennia Media, FPC  
6411 Capitol Ave., Diamond Springs, CA 95616  
*State or country in which incorporated* — California

Montagu V Jade Co-Invest L.P.  
Third Fl., Two More London Riverside, London, UK SE1 2AP  
*Partnership* — MPE (GP V) LP

Nautic CarepathRx Co-Invest, L.P.  
50 Kennedy Plaza, 12th Fl., Providence, RI 02903  
*Partnership* — Nautic Capital IX, L.P.

New Age Alpha Long Short Segregated Series (a series of New Age Alpha Fund, LP)  
555 Theodore Fremd Ave., Suite A101, Rye, NY 10580  
*Partnership* — New Age Alpha Fund Onshore GP, LLC

Nine27 Capital Partners, LP  
Three Columbus Circle, 15th Fl., New York, NY 10019  
*Partnership* — Nine27 Capital Advisors, LLC

PA Small Co Coinvestment Fund II, LP  
Riverfront Plaza W, 901 E. Byrd St., Richmond, VA 23219  
*Partnership* — PASCCIF II GP, LLC

PFS Funds  
100 E. Cook Ave., Libertyville, IL 60048  
*State or country in which incorporated* — Massachusetts

Potomac Focused SPV, LP  
c/o Potomac Focused SPV GP LLC, 299 Park Ave., 21st Fl., New York, NY 10171  
*Partnership* — Potomac Focused SPV GP LLC

SCP Investment Fund, LP  
Four Orinda Way, Suite 180-D, Orinda, CA 94563  
*Partnership* — SCP Investment, LP

SE Baker Road, DST  
350 N. LaSalle St., Suite 800, Chicago, IL 60654  
*State or country in which incorporated* — Delaware

SPV I — BrightMD III, LLC  
2796 Clearwater Dr., Bend, OR 97703  
*State or country in which incorporated* — Delaware

Stake P.B.C.  
100 Cherry St., Guilford, CT 06437  
*State or country in which incorporated* — Delaware

Sterling Group Partners V, L.P.  
Nine Greenway Plaza, Suite 2400, Houston, TX 77046  
*Partnership* — Sterling Group Partners V GP, L.P.

TMF Camelia, LLC  
6673 Doonbeg Dr., Frisco, TX 75035  
*State or country in which incorporated* — Texas

Toro Columbus III LLC  
410 Jericho Tpke., Suite 220, Jericho, NY 11753  
*State or country in which incorporated* — Delaware

TS Asset Frankford LLC  
303 Lovegrass Lane, Southlake, TX 76092  
*State or country in which incorporated* — Texas

Veritas Capital Credit Opportunities Fund (Onshore), L.P.  
Nine W. 57th St., 32nd Fl., New York, NY 10019  
*Partnership* — Veritas Capital Credit Opportunities GP, L.L.C.

Volteo Group, LLC  
3133 W. Frye Rd., Suite 101, Chandler, AZ 85226  
*State or country in which incorporated* — Arizona limited liability company

Xebra Brands Ltd.  
1090 Hamilton St., Vancouver, British Columbia, V6B 2R9 Canada  
*State or country in which incorporated* — British Columbia



# ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

## SEALED BIDS

### REHABILITATE CAMPUS INFRASTRUCTURE/PAVEMENTS Kingsboro Psychiatric Center Brooklyn, Kings County

Sealed bids for Project No. 45321-C, comprising a contract for Construction Work, Rehabilitate Campus Infrastructure and Pavements, Reconfigure Main Gate, Kingsboro Psychiatric Center, 681 Clarkson Ave, Brooklyn (Kings County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, April 8th, 2020 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$95,700 for C.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$3,000,000 and \$4,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 497 days after the Agreement is approved by the Comptroller.

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

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

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

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

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

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail to [DCPlans@ogs.ny.gov](mailto:DCPlans@ogs.ny.gov), or call (518) 474-0203.

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

By *John D. Lewyckyj*, Deputy Director  
OGS - Design & Construction Group

### PROVIDE SUB-HQ AND LOADER STORAGE Region 8 Valatie, Columbia County

Sealed bids for Project Nos. 46040-C, 46040-H, 46040-P and 46040-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Provide Sub-HQ &

Loader Storage, Building 4, Region 8 Valatie, 1005 Kinderhook Street, Valatie (Columbia County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, April 8th, 2020 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$22,800 for C, \$1,900 for H, \$5,100 for P, and \$4,800 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C, between \$0 and \$25,000 for H, between \$50,000 and \$100,000 for P, and between \$50,000 and \$100,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewycky, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 192 days after the Agreement is approved by the Comptroller.

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation

(based on the current availability of qualified MBEs and WBEs) for Construction Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail to [DCPlans@ogs.ny.gov](mailto:DCPlans@ogs.ny.gov), or call (518) 474-0203.

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

By *John D. Lewycky*, Deputy Director  
OGS - Design & Construction Group

**PROVIDE**  
**SALT STORAGE BUILDINGS**  
Department of Transportation Region 9  
Monticello, Sullivan County

Sealed bids for Project Nos. 46116-C and 46116-E, comprising separate contracts for Construction Work and Electrical Work, Provide Salt Storage Buildings, Region 9 Monticello, DOT Region 9, Sullivan County, 935 E Broadway, Monticello (Sullivan County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, April 8, 2020, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$29,000 for C and \$3,100 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C and between \$25,000 and \$50,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewycky, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year pe-

riod, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be by September 4, 2020. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for the Construction Work only. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail to [DCPlans@ogs.ny.gov](mailto:DCPlans@ogs.ny.gov), or call (518) 474-0203.

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

By *John D. Lewyckyj*, Deputy Director  
OGS - Design & Construction Group

**PROVIDE**  
**SALT STORAGE BUILDINGS**  
Region 8  
Holmes, Putnam County

Sealed bids for Project Nos. 46117-C and 46117-E, comprising separate contracts for Construction Work and Electrical Work, Provide Salt Storage Buildings, Region 8, Putnam County, 106 Ludingtonville Rd, Holmes (Putnam County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, April 8, 2020, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$36,200 for C and \$3,100 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C and between \$25,000 and \$50,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupos, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be by September 4, 2020. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises (“MBE”) participation and 5% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs) for the C-Trade only. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD’s on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail to [DCPlans@ogs.ny.gov](mailto:DCPlans@ogs.ny.gov), or call (518) 474-0203.

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

By *John D. Lewyckyj*, Deputy Director  
OGS - Design & Construction Group

# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

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

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://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 Environmental Conservation

#### Extension of Public Comment Period and Cancellation of Public Hearings

Due to the unprecedented nature of Covid-19, Governor Cuomo has issued a PAUSE Order directing non-essential meetings/gatherings to be suspended or cancelled. See Executive Order 202 and subsequent additions. As a result, at this time the Department is cancelling the public hearings previously scheduled for the following proposed rule makings and extending the comment periods for these rule makings for 30 days.

NOTICE is hereby given that the public comment period on a Notice of Proposed Rule Making, I.D. No. ENV-05-20-00001-P, published in the February 5, 2020 issue of the State Register, is extended until Friday, May 15, 2020.

Subject of proposed rule: Use of Ultra Low Sulfur Diesel and Best Available Retrofit Technology for Heavy Duty Vehicles

Comments may be submitted by mail to: James Bologna, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3250, (518) 402-8292; or by email to: [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov)

NOTICE is hereby given that the public comment period on a Notice of Proposed Rule Making, I.D. No. ENV-05-20-00002-P, published in the February 5, 2020 issue of the State Register, is extended until Friday, May 15, 2020.

Subject of proposed rule: Fuel Composition and Use- Sulfur-in-Fuel

Comments may be submitted by mail to: Mike Jennings, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3250, (518) 402-8403; or by email to: [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov)

NOTICE is hereby given that the public comment period on a Notice of Proposed Rule Making, I.D. No. ENV-06-20-00018-P, published in the February 12, 2020 issue of the State Register, is extended until Thursday, May 21, 2020.

Subject of proposed rule: Gasoline Dispensing Sites and Transport Vehicles

Comments may be submitted by mail to: Denise Prunier, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3250, (518) 402-8403; or by email to: [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov)

NOTICE is hereby given that the public comment period on a Notice of Proposed Rule Making, I.D. No. ENV-06-20-00020-P, published in the February 12, 2020 issue of the State Register, is extended until Thursday, May 21, 2020.

Subject of proposed rule: New Source Review for New and Modified Facilities

Comments may be submitted by mail to: Steve Yarrington, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3254, (518) 402-8403; or by email to: [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov)

NOTICE is hereby given that the public comment period on a Notice of Proposed Rule Making, I.D. No. ENV-06-20-00019-P, published in the February 12, 2020 issue of the State Register, is extended until Thursday, May 21, 2020.

Subject of proposed rule: Consumer Products

Comments may be submitted by mail to: Kenneth A. Newkirk, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3250, (518) 402-8438; or by email to: [air.regs@dec.ny.gov](mailto:air.regs@dec.ny.gov)

## PUBLIC NOTICE

### New York City Deferred Compensation Plan & NYCE IRA

The New York City Deferred Compensation Plan & NYCE IRA (the "Plan") is seeking proposals from qualified vendors to provide master custodial services to the City of New York Deferred Compensation Plan. The Request for Proposals ("RFP") will be available beginning on Wednesday, March 18, 2020. Responses are due no later than 4:30 p.m. Eastern Time on Thursday, May 28, 2020. To obtain a copy of the RFP, please visit the Plan's web site at [www1.nyc.gov/site/olr/about/about-rfp.page](http://www1.nyc.gov/site/olr/about/about-rfp.page) and download and review the applicable documents.

If you have any questions, please submit them by fax to Georgette Gestely, Director, at (212) 306-7376.

Consistent with the policies expressed by the City, proposals from certified minority-owned and/or women-owned businesses or proposals that include partnering arrangements with certified minority-owned and/or women-owned firms are encouraged. Additionally, proposals from small and New York City-based businesses are also encouraged.

## PUBLIC NOTICE

### Department of State

F-2019-1157

Date of Issuance – April 8, 2020

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

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

In F-2019-1157 or the "Lovett Residence", the applicant John Lovett, is proposing to install 4' x 6 landing at the top of the bluff, 4' x

20' steps down bluff to a proposed 4' x 42' open pile pier over the vegetated shoreline with two 4' x 5' pass & re-pass steps on the beach, a 4' x 30' ramp, leading to a 4' x 24' float on four float anchor piles and a safety ladder at end of proposed float. Float to be chocked at 2.5' above MLW. The dock will have 60% open grate decking. The authorized work is located at 61 Harbor Rd, Village of Head of Harbor, Suffolk County, Stony Brook Bay.

The applicant's consistency certification and supporting information are available for review at: [http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1157\\_Lovett\\_App.pdf](http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1157_Lovett_App.pdf)

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, May 8, 2020.

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

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

## PUBLIC NOTICE

Department of State

F-2019-1207

Date of Issuance – April 1, 2020

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

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

In F-2019-1207 the applicant, Geoffrey Smith, is proposing to install 225' of steel piling wall along shoreline, three 4'x65' finger docks to create 8 new boat slips, an L shaped transit dock that is 12'x70' and 125'x12', and a small boat launch ramp. The project is located at 280 Michigan Street, City of North Tonawanda, Niagara County, in Little Niagara River.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1207.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- City of North Tonawanda Local Waterfront Revitalization Program: [https://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP\\_status.html](https://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP_status.html)

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or May 1, 2020.

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

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

## PUBLIC NOTICE

Department of State

F-2020-0114 (DA)

Date of Issuance – April 8, 2020

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

The National Oceanic and Atmospheric Administration (NOAA), Office of Coast Survey has determined that the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the New York State Coastal Management Program. The applicant's consistency determination and accompanying supporting information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue in Albany, NY.

The National Oceanic and Atmospheric Administration's Office of Coast Survey plans to conduct a hydrographic survey of approximately 100 square nautical mile area near Long Island Sound, NY. The project will begin early spring of 2020. Coast Survey will also collect bottom samples with a small grab sampler. The approximate locations of the samples are shown in Appendix A.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/ConsistencyCert.pdf>

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, April 23, 2020.

*Comments should be addressed to:* Department of State, Office of Coastal, Local Government and Community Sustainability, One Commerce Plaza, 99 Washington Ave., Suite, 1010, Albany, NY 12231, (518) 474-6000; Fax (518) 474-6572

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

## PUBLIC NOTICE

Department of State

Uniform Code Regional Boards of Review

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. 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.

Matter of Grand Island Commerce Center Joint Venture, 5554 Main Street, Williamsville, NY, 14221, for a variance concerning Uniform Building Code requirements, including egress travel distance and fire resistance ratings. Involved is a proposed e-commerce storage and distribution facility located at 2780 Long Road, Town of Grand Island, County of Erie, State of New York.

## PUBLIC NOTICE

Department of State

Uniform Code Variance / Appeal Petitions

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

2020-0165 In the matter of GSLB Properties, LLC., Gary Lindenbaum, 1 French Avenue, Auburn, NY 13021, concerning safety requirements including a variance for reduction in required height of existing interior stair handrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, two stories in height, located at 103 East Spencer Street, City of Ithaca, County of Tompkins, New York.





# EXECUTIVE ORDERS

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**Executive Order No. 168.34: Continuing the Declaration of a Disaster Emergency in the Five Boroughs of New York City and the Counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester That Incorporate the MTA Region in the State Of New York.**

WHEREAS, pursuant to Executive Order No. 168, a disaster has heretofore been declared in the five boroughs of New York City and the Counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester that incorporate the Metropolitan Transportation Authority (MTA) Region in the State of New York due to increasingly constant and continuing failures of the tracks, signals, switches and other transportation infrastructure throughout the system including at Pennsylvania Station located in the County of New York (Penn Station), that have resulted in various subway derailments, extensive track outages, and substantial service disruptions impacting the health and safety of hundreds of thousands of riders;

WHEREAS, the ongoing failures of the tracks, signals, switches and other transportation infrastructure throughout the MTA's rail and subway system continue to pose an imminent threat and have a vast and deleterious impact on the health, safety, and livelihood of commuters, tourists, resident New Yorkers, as well as business and commerce in the Metropolitan Commuter Transportation District (MCTD), which is the recognized economic engine of the State of New York, and thereby have adversely affected the New York State economy;

WHEREAS, the track outages and service disruption necessary to implement the Amtrak Repair Program, and other repairs necessary to fix tracks, signals, switches and other transportation infrastructure throughout the MTA's rail and subway system continue to be necessary to protect the public, health and safety of commuters, tourists, resident New Yorkers, and will continue to worsen the transportation disaster emergency that currently exists due to the condition of Penn Station and the MTA's rail and subway system as a whole; and,

WHEREAS, it continues to be necessary for the MTA and its subsidiaries and affiliates to take significant and immediate action to assist in the repair of the tracks, signals, switches and other transportation infrastructure and in the mediation of such track outages and service disruptions due to this disaster emergency;

NOW, THEREFORE, I, ANDREW M. CUOMO, 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, do hereby extend the state disaster emergency declared pursuant to Executive Order No. 168 and extend all of the terms, conditions, and directives of Executive Order No. 168 and the terms, conditions, and directives for any extensions of the same for the period from the date that the disaster emergency was declared pursuant to Executive Order No. 168 until April 4, 2020; provided that the temporary suspension of any laws, rules, regulations or guidelines pursuant to this and any future extensions of Executive Order 168 shall apply to the extent the Chairman of the MTA or his designee, which shall only include the MTA's President or Managing Director, determines it necessary for the purposes of awarding any contracts, leases, licenses, permits or any other written agreement that may be entered into to mitigate such disaster emergency.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany the fifth day of March in the year two thousand twenty.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

**Executive Order No. 198.4: Continuing the Declaration of Disaster Emergency in the Counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne.**

WHEREAS, pursuant to Executive Order 198, a disaster has heretofore been declared within the counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne due to extensive flooding, widespread erosion, and water damage that caused significant damage to homes and other residential structures, businesses, and public infrastructure;

WHEREAS, historic high water levels in Lake Ontario and the St. Lawrence River continue to be of concern as a cause of flooding, widespread erosion, and water damage, which continues to jeopardize infrastructure, coastline structures, natural barriers, and navigation; and

WHEREAS, the Resiliency and Economic Development Initiative Commission has identified high-priority projects that are urgently needed to protect homes, businesses, and critical infrastructure; to sustainably maintain safe navigation channels; and to address the immediate and long-term resiliency of communities along Lake Ontario and the St. Lawrence River.

NOW, THEREFORE, I, ANDREW M. CUOMO, 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, do hereby extend the state disaster emergency declared pursuant to Executive Order No. 198 and all of its terms, conditions, directives, and temporary suspension of identified provisions from the date that such disaster emergency was declared pursuant to Executive Order No. 198, until April 16, 2020.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this seventeenth day of March in the year two thousand twenty.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

**Executive Order No. 202: Declaring a Disaster Emergency in the State of New York.**

WHEREAS, on January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern;

WHEREAS, on January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19;

WHEREAS, both travel-related cases and community contact trans-

mission of COVID-19 have been documented in New York State and more are expected to continue; and

WHEREAS, New York State is addressing the threat that COVID-19 poses to the health and welfare of its residents and visitors.

NOW, THEREFORE, I, Andrew M. Cuomo, 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 is impending 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. This Executive Order shall be in effect until September 7, 2020; and

IN ADDITION, this declaration satisfies the requirements of 49 C.F.R. 390.23(a)(1)(A), which provides relief from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FM CSR). Such relief from the FM CSR is necessary to ensure that crews are available as needed.

FURTHER, 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.

IN ADDITION, 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 April 6, 2020 the following:

Section 112 of the State Finance Law, to the extent consistent with Article V, Section 1 of the State Constitution, and to the extent necessary to add additional work, sites, and time to State contracts or to award emergency contracts, including but not limited to emergency contracts or leases for relocation and support of State operations under Section 3 of the Public Buildings Law; or emergency contracts under Section 9 of the Public Buildings Law; or emergency contracts for professional services under Section 136-a of the State Finance Law; or emergency contracts for commodities, services, and technology under Section 163 of the State Finance Law; or design-build or best value contracts under and Part F of Chapter 60 of the Laws of 2015 and Part RRR of Chapter 59 of the Laws of 2017; or emergency contracts for purchases of commodities, services, and technology through any federal GSA schedules, federal 1122 programs, or other state, regional, local, multi-jurisdictional, or cooperative contract vehicles;

Section 163 of the State Finance Law and Article 4-C of the Economic Development Law, to the extent necessary to allow the purchase of necessary commodities, services, technology, and materials without following the standard notice and procurement processes;

Section 97-G of the State Finance Law, to the extent necessary to purchase food, supplies, services, and equipment or furnish or provide various centralized services, including but not limited to, building design and construction services to assist affected local governments, individuals, and other non-State entities in responding to and recovering from the disaster emergency;

Section 359-a, Section 2879, and 2879-a of the Public Authorities Law to the extent necessary to purchase necessary goods and services without following the standard procurement processes;

Sections 375, 385 and 401 of the Vehicle and Traffic Law to the extent that exemption for vehicles validly registered in other jurisdictions from vehicle registration, equipment and dimension requirements is necessary to assist in preparedness and response to the COVID-19 outbreak;

Sections 6521 and 6902 of the Education Law, to the extent neces-

sary to permit unlicensed individuals, upon completion of training deemed adequate by the Commissioner of Health, to collect throat or nasopharyngeal swab specimens from individuals suspected of being infected by COVID-19, for purposes of testing; and to the extent necessary to permit non-nursing staff, upon completion of training deemed adequate by the Commissioner of Health, to perform tasks, under the supervision of a nurse, otherwise limited to the scope of practice of a licensed or registered nurse;

Subdivision 6 of section 2510 and section 2511 of the Public Health Law, to the extent necessary to waive or revise eligibility criteria, documentation requirements, or premium contributions; modify covered health care services or the scope and level of such services set forth in contracts; increase subsidy payments to approved organizations, including the maximum dollar amount set forth in contracts; or provide extensions for required reports due by approved organizations in accordance with contracts;

Section 224-b and subdivision 4 of section 225 of the Public Health Law, to the extent necessary to permit the Commissioner of Health to promulgate emergency regulations and to amend the State Sanitary Code;

Subdivision 2 of section 2803 of the Public Health Law, to the extent necessary to permit the Commissioner to promulgate emergency regulations concerning the facilities licensed pursuant to Article 28 of the Public Health Law, including but not limited to the operation of general hospitals;

Subdivision 3 of section 273 of the Public Health Law and subdivisions 25 and 25-a of section 364-j of the Social Services Law, to the extent necessary to allow patients to receive prescribed drugs, without delay;

Section 400.9 and paragraph 7 of subdivision f of section 405.9 of Title 10 of the NYCRR, to the extent necessary to permit general hospitals and nursing homes licensed pursuant to Article 28 of the Public Health Law ("Article 28 facilities") that are treating patients during the disaster emergency to rapidly discharge, transfer, or receive such patients, as authorized by the Commissioner of Health, provided such facilities take all reasonable measures to protect the health and safety of such patients and residents, including safe transfer and discharge practices, and to comply with the Emergency Medical Treatment and Active Labor Act (42 U.S.C. section 1395dd) and any associated regulations;

Section 400.11 of Title 10 of the NYCRR, to the extent necessary to permit Article 28 facilities receiving patients as a result of the disaster emergency to complete patient review instruments as soon as practicable;

Section 405 of Title 10 of the NYCRR, to the extent necessary to maintain the public health with respect to treatment or containment of individuals with or suspected to have COVID-19;

Subdivision d and u of section 800.3 of Title 10 of the NYCRR, to the extent necessary to permit emergency medical service personnel to provide community paramedicine, transportation to destinations other than hospitals or health care facilities, telemedicine to facilitate treatment of patients in place, and such other services as may be approved by the Commissioner of Health;

Paragraph 3 of subdivision f of section 505.14 of Title 18 of the NYCRR, to the extent necessary to permit nursing supervision visits for personal care services provided to individuals affected by the disaster emergency be made as soon as practicable;

Sections 8602 and 8603 of the Education Law, and section 58-1.5 of Title 10 of the NYCRR, to the extent necessary to permit individuals who meet the federal requirements for high complexity testing to perform testing for the detection of SARS-CoV-2 in specimens collected from individuals suspected of suffering from a COVID-19 infection;

Subdivision 4 of section 6909 of the Public Health Law, subdivision 6 of section 6527 of the Education 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 collect throat or nasopharyngeal swab specimens from

individuals suspected of suffering from a COVID-19 infection, for purposes of testing, or to perform such other tasks as may be necessary to provide care for individuals diagnosed or suspected of suffering from a COVID-19 infection;

Section 596 of Title 14 of the NYCRR to the extent necessary to allow for rapid approval of the use of the telemental health services, including the requirements for in-person initial assessment prior to the delivery of telemental health services, limitations on who can deliver telemental health services, requirements for who must be present while telemental health services are delivered, and a recipient's right to refuse telemental health services;

Section 409-i of the Education Law, section 163-b of the State Finance Law with associated OGS guidance, and Executive Order No. 2 are suspended to the extent necessary to allow elementary and secondary schools to procure and use cleaning and maintenance products in schools; and sections 103 and 104-b of the General Municipal Law are suspended to the extent necessary to allow schools to do so without the usual advertising for bids and offers and compliance with existing procurement policies and procedures;

Article 7 of the Public Officers Law, section 41 of the General Construction Law, and section 3002 of the Public Health Law, to the extent necessary to permit the Public Health and Health Planning Council and the State Emergency Medical Services Council to meet and take such actions as authorized by law, as may be necessary to respond to the COVID-19 outbreak, without meeting quorum requirements or permitting the public in-person access to meetings, provided that any such meetings must be webcast and means for effective public comment must be made available; and

FURTHER, I hereby temporarily modify, for the period from the date of this Executive Order through April 6, 2020, the following laws:

Section 24 of the Executive Law; Sections 104 and 346 of the Highway Law, Sections 1602, 1630, 1640, 1650, and 1660 of the Vehicle and Traffic Law; Section 14(16) of the Transportation Law; Sections 6-602 and 17-1706 of the Village Law; Section 20(32) of the General City Law; Section 91 of Second Class Cities Law; Section 19-107(ii) of the New York City Administrative Code; and Section 107.1 of Title 21 of the New York Codes, Rules and Regulations, to the extent necessary to provide the Governor with the authority to regulate traffic and the movement of vehicles on roads, highways, and streets.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this seventh day of March in the year two thousand twenty.

*BY THE GOVERNOR*  
/S/ Andrew M. Cuomo  
/s/ Melissa DeRosa  
*Secretary to the Governor*

**Executive Order No. 202.1: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.**

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York;

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to be continue; and

NOW, THEREFORE, I, Andrew M. Cuomo, 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, do hereby continue Executive Order 202, dated March 7, 2020, and I hereby continue any suspension or modification of law made by Executive Order 202 for thirty days until April 11, 2020, except that such Executive Order is amended to read as follows:

FURTHER, pursuant to 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 April 11, 2020 the following:

Suspension of laws and regulations to allow for expansion of services and temporary facilities for health and human service providers:

- Subdivisions (a) and (e) of section 401.3 and section 710.1 of Title 10 of the NYCRR, to the extent necessary to allow hospitals to make temporary changes to physical plant, bed capacities, and services provided, upon approval of the Commissioner of Health, in response to a surge in patient census;

- Parts 709 and 710 of Title 10 of the NYCRR, to the extent necessary to allow construction applications for temporary hospital locations and extensions to be approved by the Commissioner of Health without considering the recommendation of the health systems agency or the Public Health and Health Planning Council, and to take such further measures as may be necessary to expedite departmental reviews for such approval;

- Sections 34-2.6 and 58-1.7 of Title 10 of the NYCRR, to the extent necessary to permit clinical laboratories to operate temporary collecting stations to collect specimen from individuals suspected of suffering from a COVID-19 infection;

- Section 41.34 of the Mental Hygiene law and Part 620 and section 686.3 of Title 14 of the NYCRR, to the extent necessary to allow facilities certified pursuant to Article 16 of the Mental Hygiene law to increase and/or exceed certified capacity limits without following site selection procedures and/or without providing notification to the appropriate local governmental unit upon approval of the commissioner of OPWDD;

- Section 33.17 of the Mental Hygiene Law and associated regulations to the extent necessary to permit providers to utilize staff members in the most effective means possible to transport individuals receiving services from the Office of Mental Health or a program or provider under the jurisdiction of the Office of Mental Health during the emergency, provided such facilities take all reasonable measures to protect the health and safety of such individuals;

- Sections 29.11 and 29.15 Mental Hygiene Law and section 517 of Title 14 of the NYCRR to the extent necessary to permit mental health facilities licensed pursuant to Article 31 of the Mental Hygiene Law that are treating patients during the emergency to rapidly discharge, including conditionally discharge, transfer, or receive such patients, as authorized by the Commissioner of the Office of Mental Health, provided such facilities take all reasonable measures to protect the health and safety of such patients and residents, including safe transfer and discharge practices;

- Section 29.13 of the Mental Hygiene Law and associated regulations to the extent individuals in areas affected by the emergency are temporarily receiving services from different providers, whose immediate priority is to stabilize the individual, address acute symptoms, and provide supports including medication and stress relief, such that it is impossible to comply with development, assessment, scope and frequency, and documentation requirements for treatment plans;

- Sections 131, 132 and 349-a of the Social Services Law to the extent necessary to allow screenings to be conducted by telephone;

- Sections 2510 and 2511 of the Public Health Law, to the extent necessary to waive or revise eligibility criteria, documentation requirements, or premium contributions; modify covered health care services or the scope and level of such services set forth in contracts; increase subsidy payments to approved organizations, including the maximum dollar amount set forth in contracts; or provide extensions for required reports due by approved organizations in accordance with contracts;

- Subdivision 4 of section 6909 of the Education Law, subdivision 6 of section 6527 of the Education 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 collect throat or nasopharyngeal swab specimens from individuals

suspected of suffering from a COVID-19 infection, for purposes of testing, or to perform such other tasks as may be necessary to provide care for individuals diagnosed or suspected of suffering from a COVID-19 infection;

- Section 400.9 and paragraph 7 of subdivision h of section 405.9 of Title 10 of the NYCRR, to the extent necessary to permit general hospitals and nursing homes licensed pursuant to Article 28 of the Public Health Law (“Article 28 facilities”) that are treating patients during the disaster emergency to rapidly discharge, transfer, or receive such patients, as authorized by the Commissioner of Health, provided such facilities take all reasonable measures to protect the health and safety of such patients and residents, including safe transfer and discharge practices, and to comply with the Emergency Medical Treatment and Active Labor Act (42 U.S.C. section 1395dd) and any associated regulations;

- Subdivision 3 of section 2801-a of the Public Health Law and section 600.1 of Title 10 of the NYCRR, to the extent necessary to permit the Commissioner of Health to approve the establishment of temporary hospital locations and extensions without following the standard approval processes and to take such further measures as may be necessary to expedite departmental reviews for such approval;

- Section 2999-cc of the Public Health Law and any regulatory provisions promulgated thereunder by the Department of Health, the Office of Mental Health, the Office of Addiction Services and Supports, and the Office for People with Developmental Disabilities, to the extent necessary to allow additional telehealth provider categories and modalities, to permit other types of practitioners to deliver services within their scopes of practice and to authorize the use of certain technologies for the delivery of health care services to established patients, pursuant to such limitations as the commissioners of such agencies may determine appropriate;

Suspension of laws and regulations relating to child care to allow flexibility for providers while continuing to protect the health and safety of children:

- Sections 414.7, 416.7, 417.7, 418-1.7, 418-2.7, 414.8, 416.8, 417.8, 418-1.8, and 418-2.8 of Title 18 of the NYCRR insofar as that regulation sets the ages of children who can be served and the standards for care; Sections 414.13, 416.13, 417.13, 418-1.13, 418-2.13 of Title 18 of the NYCRR suspending requirements for staff qualifications; Section 390 of the Social Services law suspending provisions setting capacity limits for family and group family day care programs and standards for staff/child ratios in all child care modalities; Sections 390(3) and 390-a of the Social Services Law and regulations at 18 NYCRR Sections 413(g), 414.14, 415.13, 416.14, 417.14, 418-1.14, 418-2.14, allowing for the waiver of certain provisions establishing training and inspection requirements for child day care; and Section 424-a of the Social Services Law insofar as allowing for the waiver of fees paid for statewide central register of child abuse and maltreatment database check;

- Section 410-w of the Social Services Law and sections 404.1, 404.7, 415.2, 415.3, 415.6 of Title 18 of the NYCRR insofar as that statute and those regulations establish financial eligibility standards, the reimbursement requirements, and set timeliness requirements for the provision of services including payment for absences due to COVID-19 abatement processes;

Suspension of regulations to prevent delays in providing home delivered meals and in providing services under the Expanded In-Home Services for the Elderly Program (EISEP) to older adults:

- Clause (d) of subparagraph (ii) of paragraph (3) of subdivision (a) of section 6654.10 of Title 9 of the NYCRR, insofar as it requires an assessment be conducted prior to or within 10 days of the initiation of home delivered meals;

- Subdivision (h) of section 6654.16 of Title 9 of the NYCRR, insofar as it requires an assessment be conducted within 10 working days after the completion of the screening intake and prior to the initiation of services under the Expanded In-Home Services for the Elderly Program (EISEP);

- Subdivision (n) of section 6654.16 of Title 9 of the NYCRR, to allow for a care plan to remain in effect for a period exceeding 12 months under the Expanded In-Home Services for the Elderly

Program (EISEP) when such care plan would otherwise expire during the period in which a disaster emergency is declared;

- Subdivision (x) of section 6654.16 of Title 9 of the NYCRR, modifying requirements for reassessments to be conducted every 12 months or within 5 days of becoming aware of a change in circumstance under the Expanded In-Home Services for the Elderly Program (EISEP);

Suspension of law to allow waiver of requirements necessary for apportionment of school aid:

- Section 3604(7) of the Education Law, to the extent consistent and necessary to allow the commissioner to disregard such reduction in the apportionment of public money due to a failure by a school to meet the instructional requirements proscribed within this section due to the properly executed declaration of a local state of emergency as defined within sub-section (i), a school is directed to close by a state or local health official or following a properly executed declaration of a state of emergency as defined within sub-section (i), limited to the extent that those specified schools are unable to make up missed instructional days;

Suspension of laws and regulations relating to emergency procurement:

- Sections 553(22), 559, 1209, and 1265-a of the Public Authorities Law, and 21 NYCRR Part 1002, to the extent necessary to purchase necessary equipment, materials, supplies, or services, without following the standard procurement processes, including the standard prompt payment policy;

Suspensions of law relating to appearances by defendants:

- Notwithstanding any other provision of law and except as provided in section 182.30 of Article 182 of the Criminal Procedure Law, the court, in its discretion, may dispense with the personal appearance of the defendant, except an appearance at a hearing or trial, and conduct an electronic appearance in connection with a criminal action pending in any county in New York State, provided that the chief administrator of the courts has authorized the use of electronic appearance due to the outbreak of COVID-19, and the defendant, after consultation with counsel, consents on the record. Such consent shall be required at the commencement of each electronic appearance to such electronic appearance.

Suspension of law relating to waiting periods for unemployment insurance claimants whose claims arise directly out of COVID-19 outbreak:

- Subdivision 7 of Section 590 of the Labor Law, so far as it relates to the waiting period for unemployment insurance claimants whose claims for unemployment insurance arise directly out of closings of schools or other workplaces in which claimants were employed, or out of claimants’ isolation or quarantine in connection with COVID-19; and

Suspension of law allowing the attendance of meetings telephonically or other similar service:

- Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed;

Suspension of law allowing residents of nursing homes to vote with modified visitor policies in place:

- Subdivision 8 of section 8-407 of the Election Law to allow individuals not employed by the Board of Elections to assist residents of nursing homes or adult care facilities in the completion of absentee ballot applications and voting;

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of Executive Order through April 11, 2020:

- Any guidance issued by the New York State Department of Health related to prevention and infection control of COVID-19 at nursing

homes and adult care facilities, including but not limited to guidance on visitation, shall be effective immediately and shall supersede any prior conflicting guidance issued by the New York State Department of Health and any guidance issued by any local board of health, any local department of health, or any other political subdivision of the State related to the same subject.

- Any large gathering or event for which attendance is anticipated to be in excess of five hundred people shall be cancelled or postponed for a minimum of thirty days.

- Any place of business or public accommodation, and any gathering or event for which attendance is anticipated to be fewer than five hundred people, shall operate at no greater than fifty percent occupancy, and no greater than fifty percent of seating capacity, for thirty days effective on Friday, March 13, 2020, except that any theater seating five hundred or more attendees for a live performance located in a city of one million or more shall not hold any further performances after 5pm on March 12, 2020.

- The two preceding directives shall not apply to a school, hospital, nursing home, other medical office or facility as determined by the Commissioner of Health, mass transit or mass transit facility, governmental facility, law enforcement facility, or retail establishments including grocery stores. The Commissioner of Health may allow for businesses that are not public gathering spaces to exceed five hundred persons if the occupancy is less than fifty percent capacity subject to public health review.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany the twelfth day of March in the year two thousand twenty.

*BY THE GOVERNOR*  
/S/ Andrew M. Cuomo  
/s/ Melissa DeRosa  
*Secretary to the Governor*

**Executive Order No. 202.2: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.**

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York;

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to be continue; and

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, 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 April 13, 2020 the following:

Suspension of laws and regulations:

- Section 8-400 of the Election Law is temporarily suspended and otherwise altered to provide that due to the prevalence and community spread of COVID-19, temporary illness for the purpose of this section shall include the potential for contraction of the COVID-19 virus for any election held on or before April 1, 2020;

- Solely for any election held on or before April 1, 2020, Section 8-400 of the Election Law is hereby further modified to allow for electronic application, with no requirement for in-person signature or appearance to be able to access an absentee ballot; and deadlines to apply for such ballot are hereby modified to no later than March 23, 2020 and such ballots once voted shall be postmarked no later than March 24, 2020 or may be delivered in person to any board of elections; and

- Article 6 of the Election Law is modified to the extent necessary to reduce required number of signatures on petitions pursuant to Sec-

tion 6-136 of such law to 1.5% of the enrolled voters required, or 30% of the stated threshold, whichever is less. Further such provisions are modified to require that gathering of signatures shall be suspended effective Tuesday, March 17, 2020 at 5 p.m.

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of Executive Order through April 13, 2020:

Any school district which is closing pursuant to a local state of emergency declared as a result of the COVID-19 virus shall be required to first consult with local department of health and also exhaust any available time including snow days and vacation days. Additionally, the State Education Department shall promulgate guidance for districts to ensure access to meals for students in need, critical educational supports for students and distance learning options.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany the fourteenth day of March in the year two thousand twenty.

*BY THE GOVERNOR*  
/S/ Andrew M. Cuomo  
/s/ Melissa DeRosa  
*Secretary to the Governor*

**Executive Order No. 202.3: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.**

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York;

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to be continue;

WHEREAS, one state acting alone cannot control the continued spread of this disease and it requires coordination and cooperation amongst the states; and

NOW, THEREFORE, I, Governor Andrew M. Cuomo, 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, or to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives and suspensions and modifications for the period from the date of this Executive Order 202.3 through April 15, 2020:

- The directive requiring large gatherings and events to be cancelled or postponed if they had anticipated attendance in excess of 500 people by virtue of Executive Order 202.1 dated March 12, 2020, is hereby amended and modified to require that any large gathering or event (concert, conference, worship service, performance before a large audience, etc.) shall be cancelled or postponed if more than fifty persons are expected in attendance, at any location in New York State until further notice.

- Any restaurant or bar in the state of New York shall cease serving patrons food or beverage on-premises effective at 8 pm on March 16, 2020, and until further notice shall only serve food or beverage for off-premises consumption. Notwithstanding any provision of the alcohol and beverage control law, a retail on-premises licensee shall be authorized for the duration of this Executive Order to sell alcohol for off-premises consumption, which shall include either take-out or delivery, subject to reasonable limitations set by the State Liquor Authority.

- Any facility authorized to conduct video lottery gaming, or casino gaming shall cease operation effective at 8 pm on March 16, 2020,

and until further notice. For a Class III Tribal Gaming enterprise or Class II Tribal Gaming enterprise, any facility should also close to the public until further notice.

- Any gym, fitness centers or classes, and movie theaters shall also cease operation effective at 8 pm on March 16, 2020 until further notice.

- No local government or political subdivision shall issue any local emergency order or declaration of emergency or disaster inconsistent with, conflicting with or superseding the foregoing directives, or any other executive order issued under Section 24 of the Executive Law and any local emergency order or any local administrative codes, charters, laws, rules or regulations, are hereby suspended with respect to any such order issued under such authority different or in conflict with Executive directives.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this sixteenth day of March in the year two thousand twenty.

*BY THE GOVERNOR*

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

*Secretary to the Governor*

**Executive Order No. 202.4: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.**

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York;

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to be continue;

NOW, THEREFORE, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of Executive Order through April 15, 2020:

- Any local government or political subdivision shall, effective March 17, 2020, allow non-essential personnel as determined by the local government, to be able to work from home or take leave without charging accruals, except for those personnel essential to the locality's response to the COVID-19 emergency. Such non-essential personnel shall total no less than fifty-percent (50%) of the total number of employees across the entire workforce of such local government or political subdivision.

- Restrictions on reporting to work for any state worker whose service is non-essential, or not required to support the COVID-19 response, are expanded to all counties in the State of New York.

- Notwithstanding any prior directives, every school in the state of New York is hereby directed to close no later than Wednesday, March 18, 2020, for a period of two weeks, ending April 1, 2020. The state shall reassess at that time whether to extend such closure beyond this date and may continue to suspend the 180 day instructional requirement. The 180 day suspension will be adjusted to the state's allowed closure directive. Schools that exceed the period will not be exempted from the 180-day rule. School districts shall develop a plan for alternative instructional options, distribution and availability of meals, and child care, with an emphasis on serving children of parents in the health care profession or first responders who are critical to the response effort. Such plans shall be submitted to the State Education Department and may be amended or modified by the State Education Department, in consultation with the Department of Health and Office of Children and Family Services at any time. School districts in Nassau County, Suffolk County and Westchester County and the City of New York must submit such plans for approval no later than midnight, March 17, 2020 to the State.

- Any village election to be held March 17, 2020 shall be postponed and any elected official holding such position shall remain in office until such time as a new election is held.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany the sixteenth day of March in the year two thousand twenty.

*BY THE GOVERNOR*

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

*Secretary to the Governor*

**Executive Order No. 202.5: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.**

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York;

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to be continue;

WHEREAS, in order to facilitate the most timely and effective response to the COVID 19 emergency disaster, it is critical for New York State to be able to act quickly to gather, coordinate, and deploy goods, services, professionals, and volunteers of all kinds; and

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, 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 April 17, 2020 the following:

- Sections 6512 through 6516, and 6524 of the Education Law and Part 60 of Title 8 of the NYCRR, to the extent necessary to allow physicians licensed and in current good standing in any state in the United States to practice medicine in New York State without civil or criminal penalty related to lack of licensure;

- Section 6502 of the Education Law and Part 59.8 of Title 8 of the NYCRR, to the extent necessary to allow physicians licensed and in current good standing in New York State but not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration;

- Sections 6512 through 6516, and 6905, 6906 and 6910 of the Education Law and Part 64 of Title 8 of the NYCRR, to the extent necessary to allow registered nurses, licensed practical nurses, and nurse practitioners licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure;

- Sections 6512 through 6516, and 6541 of the Education Law and Part 60.8 of Title 8 of the NYCRR 8 NYCRR, to the extent necessary to allow physician assistants licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure;

- Section 400.12 of Title 10 of the NYCRR, to the extent necessary to allow patients affected by the disaster emergency to be transferred to receiving Article 28 facilities as authorized by the Commissioner of Health;

- Section 415.11 of Title 10 of the NYCRR, to the extent necessary to permit nursing homes receiving individuals affected by the disaster emergency to perform comprehensive assessments of those residents temporarily evacuated to such nursing homes as soon as practicable following admission or to forego such assessments for individuals returned to facilities from which they were evacuated;

- Subdivision b of section 415.15 of Title 10 of the NYCRR, to the extent necessary to permit nursing homes receiving individuals affected by the disaster emergency to obtain physician approvals for admission as soon as practicable following admission or to forego such approval for individuals returned to facilities from which they were evacuated;

- Subdivision i of section 415.26 of Title 10 of the NYCRR, to the extent necessary to permit nursing homes receiving individuals affected by the disaster emergency to comply with admission procedures as soon as practicable following admission or to forego such procedures for individuals returned to facilities from which they were evacuated;

- Paragraph 2 of subdivision g of section 763.4; paragraphs 7 and 8 of subdivision h of section 763.4; paragraph 2 of subdivision a of section 766.5; and paragraph 1 of subdivision d of section 766.5 of Title 10 of the NYCRR, to the extent necessary to permit certified home health agencies, long term home health care programs, AIDS home care programs, and licensed home care services agencies serving individuals affected by the disaster emergency to conduct in-home supervision of home health aides and personal care aides as soon as practicable after the initial service visit, or to permit in-person and in-home supervision to be conducted through indirect means, including by telephone or video communication;

- Subdivision a of section 763.5 of Title 10 of the NYCRR, to the extent necessary to permit initial patient visits for certified home health agencies, long term home health care programs and AIDS home care programs serving individuals affected by the disaster emergency to be made within 48 hours of receipt and acceptance of a community referral or return home from institutional placement;

- Sections 403.3 and 403.5 if Title 10 of the NYCRR, to extend the time in which home care services entities must submit information to the Home Care Worker Registry;

- Sections 358-4.3, 358-5.12 and 358-5.13 of Title 18 of the NYCRR, to the extent necessary to allow or require appearance by any parties to a fair hearing by written, telephonic, video or other electronic means;

- Sections 2999-h and 2999-j of the Public Health Law, to the extent necessary to provide reimbursement to Medical Indemnity Fund enrollees, in primary residences where a resident has had COVID-19 or was exposed to COVID-19, for costs related to cleaning and disinfection of such primary residences, at the discretion of the Commissioner of Health;

- Section 2805-k of the Public Health Law and sections 405.4, 405.5, 405.9, 405.14, 405.19, and 405.22 of Title 10 of the NYCRR, to the extent necessary to allow staff with the necessary professional competency and who are privileged and credentialed to work in a facility in compliance with such section of the Public Health Law and such sections of the NYCRR, or who are privileged and credentialed to work in a facility in another state in compliance with the applicable laws and regulations of that other state, to practice in a facility in New York State;

- Part 405 of Title 10 of the NYCRR, to the extent necessary to adopt existing policies and procedures in a general hospital at a new, temporary facility created for the purpose of treating patients during the COVID-19 outbreak;

- Any code related to construction, energy conservation, or other building code, and all state and local laws, ordinances, and regulations relating to administration and enforcement of the foregoing, to the extent necessary to allow, upon approval by the Commissioner of Health or the Commissioner of OPWDD, as applicable, the temporary changes to physical plant, bed capacities, and services provided; the construction of temporary hospital locations and extensions; the increase in and/or exceeding of certified capacity limits; and the establishment of temporary hospital locations and extensions;

- Part 425 of Title 10 of the NYCRR and section 461-k of the Social Services Law, to the extent necessary to prevent transportation to and attendance at adult day care programs, until authorized by the Commissioner of Health;

- Section 16.17 of the Mental Hygiene Law to the extent necessary to permit the Office of People with Developmental Disabilities to take emergency action to suspend or limit a provider’s operating certificate;

- Sections 633.12 and 636-1 of Title 14 of the NYCRR, to the extent necessary to temporarily deviate from an individual’s service plan, which would otherwise outline participation in day programming and

other community based served, and to the extent necessary to temporarily relocate individuals, in order to maintain the health and safety of that individual during this emergency period and to the extent necessary;

- Sections 33.02 and 33.05 of the Mental Hygiene law and sections 633.4, 636-1.4 and 633.16 of Title 14 of the NYCRR, to the extent necessary to restrict visitors to facilities certified pursuant Article 16 of the Mental Hygiene law and to permit restrictions on community outings for residents of such facilities to reduce the spread of COVID-19;

- Sections 633.8 and 633.14 of Title 14 of the NYCRR to the extent necessary to permit abbreviated training of direct support professionals employed in programs and facilities certified pursuant Article 16 of the Mental Hygiene Law that are experiencing staff shortages;

- Section 633.17 of Title 14 of the NYCRR, to the extent necessary to permit abbreviated medication administration training of direct support professionals employed in programs or facilities certified pursuant to Article 16 of the Mental Hygiene Law;

- Section 390-b of the Social Services Law and regulations at sections 413.4 and 415.15 of Title 18 of the NYCRR insofar as that statute and those regulations establish background check requirements for child day care;

- Section 390 of the Social Services Law insofar as that section of law exempts school age child care programs operated by a school or entity with experience providing child care and located in a school providing elementary or secondary education from having to comply with the regulations of the office of children and family services;

- Subdivision 7 of section 590 and subdivision 2 of section 607 of the Labor Law, so far as they relate to waiting periods for unemployment insurance claimants whose claims for unemployment insurance arise due to closure of an employer for a reason related to COVID-19 or due to a mandatory order of a government entity duly authorized to issue such order to close such employer, as of March 12, 2020;

- Subdivision b of section 708 of the Business Corporation Law to the extent necessary to permit business corporations to take any action otherwise permitted under that section with the electronic consent of the members of the board or committee, when such consent is submitted via electronic mail along with information from which it can reasonably be determined that the transmission was authorized by such member;

- Sections 65(13)(b) and 66(12)(f) of the Public Service Law to the extent of having in-person public hearings, provided that such hearings are held by conference call or similar electronic means, which are recorded and later transcribed;

- Section 165(1) of the Public Service Law (“PSL”) to the extent of holding public statement hearings, provided that the public may file written comments in any case subject to PSL Article 10 until issuance of a final order; and

- Section 123(1) of the Public Service Law (“PSL”) to the extent of holding a public hearing, provided that the public may file written comments in any case subject to PSL Article VII until issuance of a final order.

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of Executive Order through April 17, 2020:

- Any village election set to be held March 18, 2020 shall be postponed and any elected official holding such position shall remain in office until such time as a new election is held.

- Effective at 8 p.m. March 19, 2020, all indoor common portions of retail shopping malls with in excess of 100,000 square feet of retail space available for lease shall close and cease access to the public. Any stores located within shopping malls, which have their own external entrances open to the public, separate from the general mall entrance, may remain open, subject to the requirements of Executive Order 202.3 that any restaurant shall limit itself to take out or delivery food services, and that any interior entrances to common areas of the mall remain closed and locked.

- Additionally, all places of public amusement, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, arcades, fairs, children's play centers, funplexes, theme parks, bowling alleys, family and children's attractions shall likewise be closed to the public at 8 p.m. on March 19. This directive shall not apply to public parks and open recreation areas.

- Notwithstanding section 24 of the Executive Law, no locality or political subdivision shall issue any local emergency order or executive order with respect to response of COVID-19 without the approval of the State Department of Health.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany the eighteenth day of March in the year two thousand twenty.

*BY THE GOVERNOR*

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

*Secretary to the Governor*

**Executive Order No. 202.6: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.**

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York;

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to be continue;

WHEREAS, in order to facilitate the most timely and effective response to the COVID 19 emergency disaster, it is critical for New York State to be able to act quickly to gather, coordinate, and deploy goods, services, professionals, and volunteers of all kinds; and

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, 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 April 17, 2020 the following:

- Section three of the Public Officer's Law shall not apply to an individual who is deemed necessary to hire or to engage in a volunteer capacity to provide for an effective and efficient emergency response, for the duration of such emergency;

- Subparagraph (i) of subdivision 1 of section 73 of the Public Officers Law Section shall not apply to any person who is hired, retained, appointed, or who volunteers in any way to assist New York State in its response to the declared emergency;

- Subparagraph 5 of section 73 of the Public Officers Law Section shall not apply to a state officer or employee, or a volunteer who is facilitating contributions or donations to assist New York State in its response to the declared emergency;

- Subparagraph 8 of section 73 of the Public Officers Law Section 73(8) and section 74 of the Public Officer's Law shall not apply to volunteers or contractors who assist New York State in its response, provided that any recusals shall be adhered to if determined necessary by the appointing entity;

- Legislative Law Section 1-M is suspended to the extent that any agency may receive a donation in kind or otherwise, in any amount from any source, provided such donation is made to the State and is administered by a state agency in furtherance of the response effort;

- State Finance Law Section 11, to the extent necessary to facilitate an efficient and effective New York State emergency disaster response, shall not apply to any state agency efforts to further the response to the declared emergency;

NOW, THEREFORE, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of Executive Order through April 17, 2020:

- Effective on March 20 at 8 p.m.: All businesses and not-for-profit entities in the state shall utilize, to the maximum extent possible, any telecommuting or work from home procedures that they can safely utilize. Each employer shall reduce the in-person workforce at any work locations by 50% no later than March 20 at 8 p.m. Any essential business or entity providing essential services or functions shall not be subject to the in-person restrictions. This includes essential health care operations including research and laboratory services; essential infrastructure including utilities, telecommunication, airports and transportation infrastructure; essential manufacturing, including food processing and pharmaceuticals; essential retail including grocery stores and pharmacies; essential services including trash collection, mail, and shipping services; news media; banks and related financial institutions; providers of basic necessities to economically disadvantaged populations; construction; vendors of essential services necessary to maintain the safety, sanitation and essential operations of residences or other essential businesses; vendors that provide essential services or products, including logistics and technology support, child care and services needed to ensure the continuing operation of government agencies and provide for the health, safety and welfare of the public;

- Any other business may be deemed essential after requesting an opinion from the Empire State Development Corporation, which shall review and grant such request, should it determine that it is in the best interest of the state to have the workforce continue at full capacity in order to properly respond to this disaster. No later than 5 p.m. on March 19, 2020, Empire State Development Corporation shall issue guidance as to which businesses are determined to be essential.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this eighteenth day of March in the year two thousand twenty.

*BY THE GOVERNOR*

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

*Secretary to the Governor*