
NEW YORK STATE

REGISTER

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

For notices published in this issue:

- the 60-day period expires on September 20, 2020
- the 45-day period expires on September 5, 2020
- the 30-day period expires on August 21, 2020

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NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

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

Department of Corrections and Community Supervision

NOTICE OF ADOPTION

Raise the Age

I.D. No. CCS-50-19-00002-A

Filing No. 422

Filing Date: 2020-07-07

Effective Date: 2020-07-22

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

Action taken: Amendment of Part 100 and section 105.1 of Title 7 NYCRR.

Statutory authority: Correction Law, section 70

Subject: Raise the Age.

Purpose: To update each correctional facility's regulation as a direct result of the Raise the Age legislation.

Text or summary was published in the December 11, 2019 issue of the Register, I.D. No. CCS-50-19-00002-P.

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

Text of rule and any required statements and analyses may be obtained from: Adam Silverman, Deputy Commissioner and Counsel, NYS Department of Corrections and Community Supervision, 1220 Washington Avenue, Harriman State Campus, Albany, NY 12226-2050, (518) 457-4951, email: Rules@DOCCS.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 agency received no public comment.

Department of Economic Development

REVISED RULE MAKING NO HEARING(S) SCHEDULED

Minority and Women-Owned Business Enterprise Program

I.D. No. EDV-09-20-00007-RP

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

Proposed Action: Amendment of Parts 140-145; addition of Parts 146-147 to Title 5 NYCRR.

Statutory authority: L. 2019, ch. 96

Subject: Minority and Women-Owned Business Enterprise Program.

Purpose: Update the regulations of the Division of Minority and Women's Business Development.

Substance of revised rule (Full text is posted at the following State website: <https://esd.ny.gov/doing-business-ny/mwbe>): The revised proposed regulation makes changes to the regulations governing the Division of Minority and Women's Business Development ("DMWBD" or "Division") and the Minority and Women-Owned Business Enterprise program (the "MWBE Program"). For the purposes of clarity, the regulation amends Parts 140-45 and adds Parts 146-47.

The following is a brief summary of the substantive changes made in Parts 140-147 of the revised proposed rulemaking.

1) The revised rulemaking changes the definition of "joint venture" to delete that joint ventures shall be structured in a manner consistent with eligibility criteria for MWBE certification and changes the definition of "state contract" to clarify the inclusion of agreements concerning real property transactions and articles of procurement.

2) The revised rulemaking clarifies that the director of the Division shall establish guidelines concerning the debarment process which includes notice of hearing and referral to the Division's hearing officer for a hearing.

3) Ownership interests in a business may not be allocated to minority group members or women, either through business formation or the transfer of ownership interests, solely for the purpose of securing MWBE certification. The revised rulemaking reflects that with respect to eligibility criteria for MWBE certification, transfers of ownership interests in a business from another person to a minority group member or woman relied upon for certification must be supported by reasonable consideration and must the certification criteria.

4) The revised rulemaking clarifies that the purpose and general description with respect to appeals pertains to Section 316 of the Executive Law as well as matters concerning contractor/agency complaints.

5) The revised rulemaking clarifies that with respect to the appeal of denials or revocations of MWBE certifications, appellants may appeal but must elect to appeal either via an in-person hearing or via written submission, with written submissions due within sixty days of receipt of written notification of the denial or revocation. The revised rulemaking clarifies that an appellant's request for an adjournments or extension must state the reason for the request as well as show good cause, with the independent hearing officer to render a decision at his/her discretion. The revised

rulemaking also describes the documents and evidence that may be presented or be the subject of disclosure.

6) The revised rulemaking clarifies the procedures to be followed with respect to the resolution of contractor and state agency complaints.

Revised rule compared with proposed rule: Substantial revisions were made in rules 140.1(v), (kk), 142.13(c), 144.2(b)(5), 145.1(a), 145.2(a), (b), 145.3(b), (f), (g) and (h).

Text of revised proposed rule and any required statements and analyses may be obtained from Bella Satra, NYS Department of Economic Development, 625 Broadway, 8th Floor, Albany, NY 12245, (518) 292-5325, email: bella.satra@esd.ny.gov

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

Public comment will be received until: 45 days after publication of this notice.

Revised Regulatory Impact Statement

STATUTORY AUTHORITY:

This rulemaking is made pursuant to Chapter 96 of the Laws of 2019. The statute authorizing the Minority and Women-Owned Business Enterprise (“MWBE”) program directs the Director of the Division of Minority and Women’s Business Development (the “Division” or “DMWBD”) to assist the governor in the formulation and implementation of laws and policies relating to the program. This authority includes the adoption of procedures for the adoption of goal plans by state agencies for MWBE utilization, review of utilization plans by contractors, and certification of businesses as MWBEs. This regulatory impact statement is submitted in conjunction with the submission of a permanent regulation.

LEGISLATIVE OBJECTIVES:

The proposed rule is in accord with the public policy objectives the New York State Legislature sought to advance by enacting the MWBE Program. The program requires state agencies to set goals for participation by minority and women-owned businesses on agency contracts, and to approve utilization plans by contractors for the use of certified MWBEs on their contracts. It is the public policy of New York to address historic discrimination in the state contracting market, and to achieve the economic benefits associated with a competitive state contracting market free of discrimination, through the MWBE program. The proposed rule helps to further such objectives by updating the procedures through which agencies establish goals for participation in state contracts by minority and women-owned businesses, refining the criteria for goal setting so as to better reflect the individual circumstances and capacities of each agency, and modifying the metrics by which agencies assess the availability of minority and women-owned businesses and grant exemptions to contractors’ utilization plans.

NEEDS AND BENEFITS:

New York has a history of unequal access to performance on state contracts for businesses owned by women and minorities. The state has addressed these disparities, in part, through the MWBE program. Disparities in access to state contracts have been reduced but continue to persist in all four of the areas of state contracting addressed by the MWBE program: construction, construction related services, services, and commodities.

The revised proposed rulemaking optimizes various aspects of the administration of the MWBE program relating to the setting of goals by agencies, the assessment of the availability of minority and women-owned businesses, and the certification of businesses as MWBEs. The revised rulemaking includes overall clean-up with respect to grammar/spelling errors as well as updates to citations/references. Substantial revisions were also made. In Part 142, changes to definitions were made (specifically for “joint venture” and “state contract”). The proposed addition to the definition of “joint venture” that “Such joint venture shall also be structured in a manner consistent with eligibility criteria under section 144.2 of Part 14 of this Title” was deleted for clarity. The definition of “state contract” was revised to clarify the inclusion of agreements concerning real property transactions and articles of procurement. In Part 142, language was added to provide clarification that with respect to contractor/state agency complaints, the director of the Division shall establish guidelines concerning the debarment process, which includes notice of hearing and referral to an independent hearing officer. In Part 144 and with respect to eligibility criteria, MWBE certification and pro forma ownership, the language was revised to clarify that transfers of ownership interests from any persons to minority group members or women owners relied upon for certification must be supported by reasonable consideration. In Part 145 and with respect to appeals of denial determinations or revocations of certification, language was added to clarify that appellants may elect to proceed either by appealing at an in-person hearing or by submitting written argumentation, with written appeal submissions due within sixty days of receipt of written notice of denial or intent to revoke; such election may not be changed by the business enterprise once made. Language was also added to clarify that requests for extensions or adjournments require a

good cause showing. Additionally, Part 145 of the rulemaking was revised to describe the documents and evidence that may be discovered or that may be presented on appeal. With respect to appeals concerning the resolution of contractor/state agency complaints, the revised rulemaking clarifies the procedures to be followed by the parties to the proceeding, including with respect to discovery, conduct of the appeal and resolution of the appeal. Duplicative sections were also deleted. The changes to the revised proposed rulemaking are necessary to administering the program optimally and to achieving program goals of reducing the disparities in state contracting.

COSTS:

I. Costs to private regulated parties (contractors on state contracts): None. The proposed regulation will not impose any additional costs on contractors awarded state contracts.

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

III. Costs to the State government: None.

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

LOCAL GOVERNMENT MANDATES:

None. There are no local government mandates associated with the MWBE program.

PAPERWORK:

The rule does not establish any paperwork burdens in addition to those already imposed under the regulation.

DUPLICATION:

The proposed rule will amend an existing section of the regulations of the Commissioner of the Department of Economic Development, Parts 140–45 of 5 NYCRR, and add Parts 146–47 of 5 NYCRR. Accordingly, there is no risk of duplication in the adoption of the proposed rule.

ALTERNATIVES:

No alternatives were considered with regard to creating a new regulation in response to the statutory requirement. The regulation updates existing provisions of the NYCRR. This action is necessary in order to streamline the procedures of the program related to goal setting and adoption of utilization plans for agency procurement contracts and certification of businesses as MWBEs.

FEDERAL STANDARDS:

There are no federal standards applicable to the MWBE Program; it is purely a state program that promotes participation on certain state procurement contracts by minority and women-owned businesses. Therefore, the proposed rule does not exceed any federal standard.

COMPLIANCE SCHEDULE:

The affected agency (Department of Economic Development) and any affected contractors seeking to perform on state procurement contracts will be able to achieve compliance with the regulation as soon as it is implemented.

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

Since the publication of a Notice of Proposed Rule Making was published in the State Register on March 4, 2020, substantial revisions were made but do not require any changes to the Statement in Lieu of Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Assessment of Public Comment

1. Comment: The proposed regulations negatively impact Caucasian women by creating additional criteria that other qualifying groups do not have to meet. Another commenter suggested that references to male relatives be removed.

Response: The criteria for certification of a women-owned business remain race neutral. The proposed regulations do not call for additional criterion applicable to Caucasian women. Moreover, the Division of Minority and Women’s Business Development (“DMWBD”) continues to conduct a comprehensive review of each application to ensure the criteria for certification are met.

In Section 144.2(b)(5) of the rulemaking and with respect to ownership criteria and the showing of consideration for transfer of ownership, the reference to a transfer from a “male person who is not a minority group member has been deleted and replaced with reference to a transfer “from another person”.

2. Comment: DMWBD should delegate certification process to local municipalities and private contractors to make the review efficient. The “weakness is the ability to process the volume of applications in a timely manner. There are solutions to the processing issues that if pursued could alleviate the pressure on the certification specialists.”

Response: DMWBD is responsible for verifying applicant businesses as being owned, operated and controlled by minority group members or women and for certifying such verified businesses. To further facilitate DMWBD’s review of applications, DMWBD has worked with, and

anticipates further working with, third-party firms who may provide technical assistance through the process of completing and/or updating NYS MWBE certification applications to applicants identified by DMWBD. Such contractors contact, assist, and establish communications necessary to complete a thorough review of selected applications and then provide to DMWBD an application's certification recommendation, which in turn helps the DMWBD to complete its review and to make its final determination. DMWBD endeavors to conduct a comprehensive review of all applicants for certification in a timely manner and in accordance with the law and further appreciates that applicants too, seek to complete the application process efficiently as well.

DED has not made any changes to the regulations based on this comment.

3. Comment: The recertification application should include: personal net worth statement, updated ownership information as to material changes, state and federal tax returns, review of NAICS codes and representation or opinion of counsel concerning no change as to current certification status.

If the recertification applicant has timely and properly submitted the application with all required materials, the entity's M/WBE certification shall remain in force and effect while the application is pending and until a determination is made or until an appeal is determined. This status is important because agencies and authorities are not awarding contracts to firms whose recertification is still pending.

Response: Recertification applications are reviewed by the DMWBD for continued satisfaction of the certification criteria as set forth Article 15-A and the related regulations. Recertification applicants may be asked to submit additional documents to demonstrate continued eligibility. Barring any other issues, to the extent that a recertification applicant has timely submitted a completed recertification application and otherwise complies with application procedures, the firm may remain on the directory of certified firms pending review, a determination, and the exhaustion of appeals, if applicable. To the extent a firm is listed on the DMWBD's directory of certified firms, agencies and authorities may continue to receive utilization credit for work performed by such firm.

DED has not made any changes to the regulations based on this comment.

4. Comment: The process for recertification should be expedited. The process should be stream-lined and more accessible with better communication and feedback.

Response: DMWBD appreciates that businesses are seeking to complete the application process in an efficient manner. DMWBD is in contact with applicants during the review process and endeavors to complete the review of applications in a timely manner.

DED has not made any changes to the regulations based on this comment.

5. Comment: With respect to certification criteria, proof of capital contributions to obtain an ownership interest should not be limited to "transactions that require an actual infusion of hard dollars." Such criteria would have a discriminatory impact on one of the groups that the law permits to participate in the program. Commenter recommends first year of certification the State could monitor the owner's actual involvement in the business through desk audits and unannounced on-site visits in order to ensure a firm is properly certified.

Response: Other than the criterion that the certified firm be owned by minority group members or women, the eligibility criteria are gender and race-neutral. With respect to capital contributions, pursuant to 5 NYCRR 144.2(b)(2)(i), proof of capital contributions is not limited to payment of money. Applicants may demonstrate their ownership of a business with proof of contributions of money as well as, for example, contributions of expertise and equipment. Additionally, the regulations permit DMWBD to conduct site visits as part of the application process or under other circumstances; however, site visits as a sole method of demonstrating ownership is not in compliance with the law. Further, while applicants must attest that the information provided with the application is accurate and current and businesses are subject to review throughout certification, this does not supplant the statutory requirement to prove ownership through proof of contributions. Finally, in determining whether to certify a firm and whether the owner owns, operates and controls the business, DMWBD conducts a thorough examination of the application. Such examination includes for example, review of tax documents, resumes, contracts, operating procedures, and corporate governance documents, etc. as well as narrative responses from the applicant, in addition to any site visits or interviews.

DED has not made any changes to the regulations based on this comment.

6. Comment: Recommendation was made to include "facilities or owns the building that it rents" as an exclusion from the business owner's personal net worth. Interpreted to mean that the ownership of the building that either the holding company or the business itself rents should be excluded from the calculation of personal net worth.

Another comment suggested that the definition of "personal net worth" should include interests in holding companies that own real property leased to the applicant or certified firm.

Response: The intent of the Regulations is to include the real estate interest of a holding company owned, in whole or in part, as an asset in the calculation of an individual's personal net worth.

As set forth in Sec. 310(19) of Executive Law Article 15-A, the definition of "personal net worth" "does not include the individual's ownership interest in the certified minority and women-owned business enterprise, the individual's equity in his or her primary residence, ownership interest in a holding company established for the exclusive and sole purpose of leasing machinery, equipment, or vehicles exclusively to the certified minority or women-owned business enterprise that is majority owned by the minority group member or woman relied upon for certification, and the holding company does not own any other assets of any kind..." To the extent an individual has an interest in a holding company that owns real property, such interest would be a component of the individual's personal net worth calculation.

DED has not made any changes to the regulations based on this comment.

7. Comment: DED should be required to maintain an annual list of firms removed from the Directory.

Response: Section 311(3)(f) of Article 15-A calls for the director of the DMWBD to prepare as well as update annually a directory of certified firms. There is no requirement to, and DMWBD does not, maintain an additional list of firms who have been removed from the directory.

DED has not made any changes to the regulations based on this comment.

8. Comments: Criteria for the business to possess the license be modified to require the owner to possess the license or have other skills and expertise that demonstrate the ability and capacity to run the company such as general business or financial experience.

The criteria related to the possession of a license or who an owner may seek business advice from creates limitations unrelated to an owner's ability to run her/his business. There are many situations where an eligible individual starts a construction concern or steps into an existing entity where they have valuable general business or financial experience. Or where an individual in a family run business has been responsible for operations and administrative functions including but not limited functions such as accounting, legal, information technology, human resources, risk management without estimating or field experience. There is no correlation to the defined criterion to the ability to run a successful MWBE business or perform a CUF. Again, a properly conducted interview of the principal seeking certification could ferret out whether the person has the expertise to run the day-to-day business operations. The issue sought to be defined by ESD relates to the independence of firms.

Another commenter stated that the criteria used for analyzing whether a business owner possesses the ability to run his or her business should not be limited to licensing or competence in industry of their stated business function.

Response:

Article 15-A requires that the DMWBD verify a business is operated by the person relied upon for certification. The regulations require that the DMWBD evaluate and verify whether a business owner relied upon for certification has the industry-specific competence needed to make critical business decisions without relying upon other persons.

Without demonstration of sufficient competence in an industry, the DMWBD cannot verify that the person relied upon for certification operates the business or makes critical business decisions and may conclude that an applicant relies on other employees/co-owners, or persons in making operational decisions, based on documentation and information submitted. To the extent licenses may be required or typical as an industry practice, proof of such license may be necessary to demonstrate that the owner relied upon for certification has the competence necessary to operate and control the business. Notwithstanding, the DMWBD conducts interviews and requests information/documents, concerning for example, licenses, academic credentials and/or industry-specific expertise and experience, to assess whether a business owner fulfills the operation requirement.

Pursuant to 5 NYCRR 144.2(b)(1), a business enterprise applying for certification as a MWBE is required to establish that decisions pertaining to the operations of the business are made by the minority or woman claiming ownership of the enterprise. In evaluating this criterion, the Division considers whether the minority or the woman owner has independent operational control over the critical functions of the business enterprise. As such and where distinct from the competence needed to make operational decisions concerning the critical functions of a business, experience in office management or general business administration is insufficient to fulfill the requirement that minority group members or women relied upon for certification make day-to-day decisions concerning the operation of an applicant business.

DED has not made any changes to the regulations based on this comment.

9. Comment: Definition of “Independent” should closely mirror DBE Regulations definition contain in 49 CFR 26.71.

Response: While 49 CFR 26.71 may be similar to the regulations’ definition of “Independence”, 49 CFR 26.71 pertains to the federal Disadvantaged Business Enterprise (“DBE”) program. New York State’s MWBE program is governed by Executive Law Article 15-A and the related law and regulations, and not the federal law that governs the federal DBE program.

DED has not made any changes to the regulations based on this comment.

10. Comment: One commenter suggested that the term “debarment” be removed. Another commenter suggested that procedures concerning debarment should be identified in the regulations. A suggestion was made for an arbitration-like process that includes a “Debarment Panel” consisting of two (2) representatives from the Empire State Development Corporation and one independent member selected from the American Arbitration Association. Under the suggestion, both parties would have the right to present evidence in support of their position and have the right to be represented by legal counsel. Any vote to debar a contractor would include the vote of the independent arbitrator. Legal costs would be borne by the party who did not prevail.

Response: It is the intent of the DMWBD to have procedures in place that provide adequate notice and due process. Section 142.12(c) of the proposed regulations has been revised to clarify that “The director shall establish guidelines for the implementation of a debarment process, which includes notice of hearing and referral to the division’s hearing officer for a hearing. The hearing shall be held in accordance with Section 145.3 of Part 145 of the Regulations.”

11. Comment: The addition of the last sentence in the definition of joint venture referencing the certification criteria of 144.2 creates ambiguity in determining whether a joint venture would qualify for any attainment credit. Clarification is required to address how the 144.2 criteria impacts a joint venture’s ability to participate in the MWBE program.

Response: By way of clarification, the credit awarded towards a goal is based on the certified firm’s value added or commercially useful function performed, when such certified firm is part of a joint venture.

The proposed addition to the last sentence of 5 NYCRR 140.1(v) (“Such joint venture shall also be structured in a manner consistent with eligibility criteria under section 144.2 of Part 14 of this Title”) will be removed.

12. Comment: Article 28 imposes new workforce composition requirements, but they are not included in the Regulations.

Another comment stated that the measurement of diversity in the union construction workforce should be done by requiring reporting of industry-wide regional demographics, with reporting of the journeyman workforce in union construction industry, rather than measuring the diversity of the workforce on a project by project basis.

Response: DED appreciates the commenter’s embrace of workforce diversity. Compliance with work force participation requirements on state contracts, including adherence to equal employment opportunity policies and the submission of workforce utilization reports for state contracts, helps to promote economic opportunities for minorities and women as well as ensure that minority group members and women are afforded opportunities without discrimination.

DED anticipates promulgating regulations pursuant to Article 28 following review and analysis of the scope of potential disparities in workforce diversity.

13. Comment: “The proposed rules provide no guidelines for the agencies in determining how they should be establishing their goals on a project by project basis.” The rules should include requirements and guidelines to assist state agencies in establishing goals on a project-by-project basis rather than setting “30% goals on every project.” The comment further suggested that goals should be based on the “maximum capacity” of certified firms to perform a commercially useful function, “measured in dollars” and that “capacity” of a certified firm could be “established and verified” by Empire State Development.

Response: The regulations do provide the process used by State agencies and authorities to establish contract goals and identify opportunities for certified businesses. State agencies are required to establish goals on State contracts by where practical, feasible, and appropriate and in a manner consistent with the findings of the disparity study. While the Division cannot reasonably or accurately “measure in dollars” the “maximum capacity” of a certified firm, the regulations require agencies to consider with respect to establishing goals the following: “the contract and subcontract scope(s) of work, potential subcontract opportunities, the relevant availability data and industry specific disparities found by the disparity study, the number and types of certified firms listed in the directory of certified firms, the geographic location of contract performance and extent to which geography is material to performance, the ability of certified firms located

outside of the geographic region to perform on the State contract, the total dollar value of the work required in relation to the value of the subcontracting opportunities, and the relationship of the size and term of the State contract in relation to the project.” 5 NYCRR 141.2(c)(1-6). State agencies must also set goals on a project-by-project basis with consideration of their agency-specific goals, which are themselves set based on a review of the scope, character, and relevant expenditures of State contracts anticipated to be let or performed. 5 NYCRR 141.2(c).

DED has not made any changes to the regulations based on this comment.

14. Comment: Reconsider 142.7(8) as a consideration for a waiver. Whether an MWBE exhibited interest in submitting proposals by attending a pre-bid conference is not the same as actually submitting a proposal or having the skills, ability, and capacity to perform the work at a competitive price.

Response: As set forth in the regulations, both the contractor’s documented good faith efforts to meet the goal requirements as well as various other factors set forth in 5 NYCRR § 142.7(a) are considered when evaluating requests for waivers of goal requirements. Such factors include but are not limited to MWBE availability and ability as well as whether certified firms have been solicited by the contractor and exhibited interest by having attended any pre-bid conferences.

DED has not made any changes to the regulations based on this comment.

15. Comment: The requirement of the state agency to provide notice of a utilization plan of a winning bidder is unnecessary and redundant as the contractors are already required to submit subcontractor approval forms to the agency. The agency can compare the subcontractor approval forms to the utilization plan submitted. Additional and duplicative documentation by the prime contractor should not be necessary.

Response: Contractors are required to submit utilization plans and possibly subcontractor plans to the contracting agency. However, the requirement that a contractor of a winning bid provide written notice to any certified firm identified in the contractor’s utilization plan serves to ensure that such certified firms also receive notice of a contractor’s winning bid and can plan accordingly.

DED has not made any changes to the regulations based on this comment.

16. Comment: DED and state agencies should use the 4-year growth plan to revisit and establish programs to assist MWBEs through the presumed recession.

Response: DMWBD appreciates that the MWBE program continues to be a vital source of economic opportunity, information and resources for minority and women owned businesses across the State and anticipates that the efforts and measures described in four-year growth plans will assist in the promotion and participation by MWBEs with respect to State contracts and subcontracts.

DED has not made any changes to the regulations based on this comment.

17. Comment: “[G]uidance and framework” for a mentoring program should be established for State agencies that models the programs offered by MTA, the NYC School Construction Authority and the Port Authority.

Response: DMWBD appreciates that mentoring programs and assistance programs may be of value to MWBEs, and although the regulations do not delineate a mentorship program, DMWBD offers the Mentor-Protégé Program, which aims to expand the technical knowledge, abilities, participation and relationships of MWBE proteges on State contracts. The Mentor-Protégé Program was developed following a review of other programs, including for example, those of the MTA, NYC School Construction Authority and the Port Authority. The DMWBD also provides technical assistance and training to State Agencies for implementation and capacity building of their MWBE Programs.

DED has not made any changes to the regulations based on this comment.

Education Department

EMERGENCY RULE MAKING

Update Provisions Relating to Pupil Transportation and Provide Flexibility in Response to the COVID-19 Crisis

I.D. No. EDU-52-19-00007-E

Filing No. 419

Filing Date: 2020-07-06

Effective Date: 2020-07-06

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

Action taken: Amendment of sections 156.1, 156.2, 156.3, 156.4, 156.5 and 156.12 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 305(14)(d), 1604(23), 1709, 3602(7)(a)-(b), (d), 3624, 3625, 3635(4), 3637; Vehicle and Traffic Law, sections 509-g and 1229-d

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

Specific reasons underlying the finding of necessity: The Department initially proposed to amend sections 156.1, 156.2, 156.3, 156.4, 156.5, and 156.12 of the Commissioner's Regulations Relating to Pupil Transportation at the December 2019 Board of Regents Meeting. Since that time, the Governor of New York State has declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202 due to the COVID-19 crisis. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis, including orders directing the closure of schools and directing nonessential work personnel to work from home.

As a result, the proposed amendment was revised to provide regulatory flexibility for:

- required instruction in school bus safety and refresher training instruction;
- attendance at the required annual Professional Development Seminar by school bus driver instructors;
- master instructor training programs and attendance of master instructors at the annual master instructor strategy meeting or the Professional Development Seminar; and
- required timeliness for school bus drills.

The proposed revised amendment was presented to the Full Board for adoption as an emergency action at the April 2020 meeting of the Board of Regents, effective April 7, 2020. Since the Board of Regents meets at scheduled intervals, the earliest the proposed amendment could be presented for regular (nonemergency) adoption, after publication in the State Register and expiration of the 45-day public comment period required in the State Administrative Procedure Act (SAPA) Section 202(4-a), is the July 2020 Regents meeting. However, the emergency rule will expire on July 5, 2020.

Therefore, emergency action is necessary at the June 2020 meeting for the preservation of public health and the general welfare in order to immediately provide flexibility for certain regulatory requirements relating to pupil transportation in response to the COVID-19 crisis and to ensure that the emergency action taken at the April 2020 meeting remains in effect until the proposed rule can be permanently adopted.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the July 2020 Regents meeting, which is the first scheduled meeting after the 45-day public comment period prescribed in SAPA for State agency revised rule makings.

Subject: Update Provisions Relating to Pupil Transportation and Provide Flexibility in response to the COVID-19 crisis.

Purpose: To update provisions relating to pupil transportation and to provide flexibility in response to the COVID-19 crisis.

Substance of emergency rule (Full text is posted at the following State website: <http://www.counsel.nysed.gov/rules/full-text-indices>): The Department proposes updating the regulations pertaining to pupil transportation, as set forth in Part 156 of the Commissioner's regulations to align to current policies and procedures of the New York State Department of Motor Vehicles and the New York State Department of Transportation relating to pupil transportation. In addition to technical amendments, the proposed amendments make the following changes:

- Allows transportation contracts to be filed with the Commissioner within 120 days of approval of the contract by the board to align with the current practice (regulations were outdated and required 30 days). Contracts which cannot be awarded by August 1, shall be filed with the Commissioner within 5 days after approval with a written explanation for the delay.
- Elimination of installation of stop arms from the list of demonstrable enhancements in pupil safety since this is now mandatory equipment.
- Clarifies that standing passengers shall be not be permitted on a school bus unless it is during the first 10 days of school or due to a breakdown, crash or other unforeseen occurrence to be consistent with Education Law § 3635-c.
- Clarifies the definition of school bus driver means any person who drives a school bus to or from school or school activities.
- Clarifies the definition of a school bus attendant to mean any person who is employed for the purpose of attending to the special needs of a child based on his or her IEP to safely embark and disembark from a school bus which is owned, leased or contracted for by a public school district or BOCES, and for the purpose of assisting the school bus driver.
- Adds a new definition for regular route to mean any trip that occurs on a regular schedule, for the purpose of transporting students from a starting point to a destination and may include pick up and drop off of students enroute (home to school).
- Adds physician assistants to the list of licensed professions that can perform an examination of school bus drivers. Requires school bus drivers to be examined within eight weeks prior to the beginning of service (was previously four weeks).
- Requires the school bus driver physical performance test form to be submitted electronically to the pupil transportation unit. Prohibits the interval between physical performance tests to exceed 25 months (was previously 24 months). Clarifies that the physical performance test shall be conducted by a currently certified school bus driver instructor and aligns the proposed amendment with current practice relating to the test. Provides that no more than one re-examination per driver may be administered on the same day and that the administration of the test and the pass/fail determination shall be in accordance with the guidance from the Department. Removes old provisions which allowed additional time for districts to acquire a school bus driver instructor to perform the physical performance test.
- Clarifies the three types of school bus driver training: pre-service safety training, basic course safety training, and refresher safety training. Requires school bus drivers to have at least four hours (was previously two) of instruction on school bus safety practices which shall include at least one hour of training for the transport of children with disabilities prior to service. Requires school bus drivers to take 30 hours of basic course safety training and requires the required two-hour refresher training to contain at least one hour of instruction relating to the special needs of a pupil with a disability.
- Provides that a certified school bus driver instructor's physical presence is not required during the pre-service training of school bus drivers, monitors, or attendants, provided that such training is conducted under the general supervision of such an approved school bus driver instructor.
- Provides that the school bus driver instructor advisory committee members are to be appointed for a three-year term (was previously annually) and requires them to be of good moral character.
- Provides for when a certified school bus driver instructor's certification can be suspended or revoked by the Department.
- Includes what master instructors must do to maintain certification as a master instructor and provides for when a master instructor's certification can be suspended or revoked by the Department.
- Adds physician assistants to the list of licensed professions that can perform an examination of school bus monitors and attendants and requires school bus monitors and attendants to be examined within eight weeks prior to the beginning of service (was previously two weeks).
- Requires the school bus monitor and attendant physical performance test form to be submitted electronically to the pupil transportation unit. Prohibits the interval between physical performance tests to exceed 25 months (was previously 24 months). Clarifies that the physical performance test shall be conducted by a currently certified school bus driver instructor and makes amendments to such test to conform with current practice. Removes the temporary waiver provision for the physical performance test for monitors and attendants. Provides that no more than one re-examination per driver may be administered on the same day and that the administration of the test and the pass/fail determination shall be in accordance with the guidance from the Department.
- Adds nonpublic schools to the list of employers whose employees serving pupils with a disabling condition must maintain CPR certification where such skills are required as part of the student's IEP.
- Clarifies the three types of school bus monitor and attendant training: pre-service safety training, basic course safety training, and refresher

safety training. Requires at least four hours of pre-service training (was previously three hours). Requires a minimum of two hours of refresher training at least two times a year and requires that such refresher training include at least one hour of instruction relating to the special needs of a pupil with a disability.

- Requires school bus drivers to instruct pupils to cross the highway at a distance of at least 15 feet in front of the vehicle (was previously 10 feet) and to keep the school bus halted until they have reached the opposite side of the highway, street or private road and until such passengers are at least fifteen feet from the bus and either off the highway, street or private road or on a sidewalk.

- Adds the regulations of the Commissioner of the Department of Transportation to the list of regulations school bus drivers shall be familiar with.

- Includes “exempt tracks” to the list of exceptions to when school bus drivers are required to make full stops.

- Clarifies that the operation of a wheelchair lift shall not be considered as leaving a bus unattended.

- Prohibits the use of electronic cigarettes by drivers, monitors and attendants while on a school bus.

- Provides that the administration of drills on school buses shall be in accordance with the Department’s Bus Safety Drill Guide and Compliance Form and provides that verbal bus mini safety drills should be conducted by a school bus driver prior to the beginning of every sports or activity trip.

- Requires school districts, which procure transportation through contracted vendors using an RFP, to set a minimum passing score threshold prior to evaluating RFPs, much as the State does in its grant applications, to ensure that winning bidders meet certain safety and responsibility standards.

In response to public comment the Department has revised the proposed amendment. Specifically, section 156.3(g) of the Commissioner’s regulations was amended to require that school bus drills include specific instructions for pupils to advance at least 15 feet in front of the school bus before crossing a highway, rather than 10 feet, consistent with the amendment made to section 156.3(e)(4).

Additionally, in order to provide flexibility for certain regulatory requirements relating to pupil transportation in response to the COVID-19 crisis, the Department revised the proposed amendment as follows:

- The basic course of instruction in school bus safety required by section 156.3(b)(5)(ii) and 156.3(d)(5)(ii) and the refresher training instruction required in section 156.3(b)(5)(iii) and 156.3(d)(5)(iii) may be postponed where a school bus driver, monitor, or attendant is unable to complete such instruction due to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis. Such instruction shall be rescheduled and completed as soon as practicable.

- Section 156.3(c)(2)(i) is amended to permit school bus driver instructors to attend the annual professional development seminar (PDS) by teleconference or videoconference for the 2019-2020 school year due to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.

- Section 156.3(c)(3)(i) is amended to permit master instructor training programs to be provided by teleconference or videoconference for the 2019-2020 school year and to permit master instructors to attend the annual master instructor strategy meeting or PDS by teleconference or videoconference for the 2019-2020 school year due to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.

- Section 156.3(g)(2) is amended to permit school bus drills to be postponed where such drills are unable to be conducted between March 1 and April 30 due to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. EDU-52-19-00007-P, Issue of December 24, 2019. The emergency rule will expire September 3, 2020.

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

Summary of Regulatory Impact Statement (Full text is posted at the following State website: <http://www.counsel.nysed.gov/rules/full-text-indices>):

The purpose of the proposed amendments to the Regulations of the Commissioner of Education is to update such regulations to align to the current policies and procedures of the New York State Department of Motor Vehicles and the New York State Department of Transportation. Additionally, the proposed amendments are intended to provide flexibility for

certain regulatory requirements in response to the COVID-19 crisis. In addition to the technical amendments, the proposed amendments make the following changes:

- Allows transportation contracts to be filed with the Commissioner within 120 days of approval of the contract by the board to align with the current practice (regulations were outdated and required 30 days). Contracts which cannot be awarded by August 1 shall be filed with the Commissioner within 5 days after approval with a written explanation for the delay.

- Elimination of installation of stop arms from the list of demonstrable enhancements in pupil safety since this is now mandatory equipment.

- Clarifies that standing passengers shall not be permitted on a school bus unless it is during the first 10 days of school or due to a breakdown, crash or other unforeseen occurrence to be consistent with Education Law § 3635-c.

- Clarifies the definition of school bus driver to mean any person who drives a school bus to or from school or school activities.

- Clarifies the definition of a school bus attendant to mean any person who is employed for the purpose of attending to the special needs of a child based on his or her IEP to safely embark and disembark from a school bus which is owned, leased or contracted for by a public school district or BOCES, and for the purpose of assisting the school bus driver.

- Adds a new definition for regular route to mean any trip that occurs on a regular schedule for the purpose of transporting students from a starting point to a destination and may include pick up and drop off of students enroute (home to school).

- Adds physician assistants to the list of licensed professions that can perform an examination of school bus drivers. Requires school bus drivers to be examined within eight weeks prior to the beginning of service (was previously four weeks).

- Requires the school bus driver physical performance test form to be submitted electronically to the pupil transportation unit. Prohibits the interval between physical performance tests to exceed 25 months (was previously 24 months). Clarifies that the physical performance test shall be conducted by a currently certified school bus driver instructor and aligns the proposed amendment with current practice relating to the test. Provides that no more than one re-examination per driver may be administered on the same day and that the administration of the test and the pass/fail determination shall be in accordance with the guidance from the Department. Removes old provisions which allowed additional time for districts to acquire a school bus driver instructor to perform the physical performance test.

- Clarifies the three types of school bus driver training: pre-service safety training, basic course safety training, and refresher safety training. Requires school bus drivers to have at least four hours (was previously two) of instruction on school bus safety practices which shall include at least one hour of training for the transport of children with disabilities prior to service. Requires school bus drivers to take 30 hours of basic course safety training and necessitates the required two-hour refresher training to contain at least one hour of instruction relating to the special needs of a pupil with a disability.

- Provides that a certified school bus driver instructor’s physical presence is not required during the pre-service training of school bus drivers, monitors, or attendants, provided that such training is conducted under the general supervision of such an approved school bus driver instructor.

- Provides that the school bus driver instructor advisory committee members are to be appointed for a three-year term (was previously annually) and requires them to be of good moral character.

- Provides for when a certified school bus driver instructor’s certification can be suspended or revoked by the Department.

- Includes what master instructors must do to maintain certification as a master instructor and provides for when a master instructor’s certification can be suspended or revoked by the Department.

- Adds physician assistants to the list of licensed professions that can perform an examination of school bus monitors and attendants and requires school bus monitors and attendants to be examined within eight weeks prior to the beginning of service (was previously two weeks).

- Requires the school bus monitor and attendant physical performance test form to be submitted electronically to the pupil transportation unit. Prohibits the interval between physical performance tests to exceed 25 months (was previously 24 months). Clarifies that the physical performance test shall be conducted by a currently certified school bus driver instructor and makes amendments to such test to conform with current practice. Removes the temporary waiver provision for the physical performance test for monitors and attendants. Provides that no more than one re-examination per driver may be administered on the same day and that the administration of the test and the pass/fail determination shall be in accordance with the guidance from the Department.

- Adds nonpublic schools to the list of employers whose employees serving pupils with a disabling condition must maintain CPR certification where such skills are required as part of the student’s IEP.

- Clarifies the three types of school bus monitor and attendant training: pre-service safety training, basic course safety training, and refresher safety training. Requires at least four hours of pre-service training (was previously three hours). Requires a minimum of two hours of refresher training at least two times a year and requires that such refresher training include at least one hour of instruction relating to the special needs of a pupil with a disability.

- Requires school bus drivers, when discharging pupils, to instruct pupils to cross the highway at a distance of at least 15 feet in front of the vehicle (was previously 10 feet) and to keep the school bus halted until they have reached the opposite side of the highway, street or private road and until such passengers are at least 15 feet from the bus and either off the highway, street or private road or on a sidewalk. Additionally, such instruction shall also be given during school bus drills.

- Adds the regulations of the Commissioner of the Department of Transportation to the list of regulations with which school bus drivers shall be familiar.

- Includes “exempt tracks” to the list of exceptions to when school bus drivers are required to make full stops.

- Clarifies that the operation of a wheelchair lift shall not be considered as leaving a bus unattended.

- Prohibits the use of electronic cigarettes by drivers, monitors and attendants while on a school bus.

- Provides that the administration of drills on school buses shall be in accordance with the Department’s Bus Safety Drill Guide and Compliance Form and provides that verbal bus mini safety drills should be conducted by a school bus driver prior to the beginning of every sports or activity trip.

- Requires school districts, which procure transportation through contracted vendors using an RFP, to set a minimum passing score threshold prior to evaluating RFPs, much as the State does in its grant applications, to ensure that winning bidders meet certain safety and responsibility standards.

- Provides that due to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.

- o the basic course of instruction in school bus safety and refresher training instruction may be postponed;

- o school bus driver instructors may attend the annual professional development seminar (PDS) by teleconference or videoconference for the 2019-2020 school year;

- o Master instructor training programs may be provided by teleconference or videoconference for the 2019-2020 school year;

- o Master instructors may attend the annual master instructor strategy meeting or PDS by teleconference or videoconference for the 2019-2020 school year; and

- o School bus drills may be postponed where such drills are unable to be conducted between March 1st and April 30th.

It is anticipated that regulated parties will be able to comply with the proposed amendment by the effective date.

Regulatory Flexibility Analysis

(a) Small businesses:

1. EFFECT OF RULE:

The proposed rule updates the Regulations of the Commissioner of Education pertaining to pupil transportation, to align to the current policies and procedures of the New York State Department of Motor Vehicles and the New York State Department of Transportation, as well as with current practice. Additionally, the proposed rule provides flexibility for certain regulatory requirements relating to pupil transportation in response to the COVID-19 crisis. The proposed amendment applies to all school bus drivers, monitors and attendants including those employed by school transportation service companies.

2. COMPLIANCE REQUIREMENTS:

Certain requirements in the proposed rule apply to small businesses that contract with school districts to provide student transportation. Compliance requirements are summarized as follows:

- Allows transportation contracts to be filed with the Commissioner within 120 days of approval of the contract by the board to align with the current practice (regulations were outdated and required 30 days). Contracts which cannot be awarded by August 1 shall be filed with the Commissioner within 5 days after approval with a written explanation for the delay.

- Clarifies that standing passengers shall not be permitted on a school bus unless it is during the first 10 days of school or due to a breakdown, crash or other unforeseen occurrence to be consistent with Education Law § 3635-c.

- Adds physician assistants to the list of licensed professions that can perform an examination of school bus drivers. Requires school bus drivers to be examined within eight weeks prior to the beginning of service (was previously four weeks).

- Requires the school bus driver physical performance test form to be

submitted electronically to the pupil transportation unit. Prohibits the interval between physical performance tests to exceed 25 months (was previously 24 months). Clarifies that the physical performance test shall be conducted by a currently certified school bus driver instructor and aligns the proposed amendment with current practice relating to the test. Provides that no more than one re-examination per driver may be administered on the same day and that the administration of the test and the pass/fail determination shall be in accordance with the guidance from the Department. Removes old provisions which allowed additional time for districts to acquire a school bus driver instructor to perform the physical performance test.

- Clarifies the three types of school bus driver training: pre-service safety training, basic course safety training, and refresher safety training. Requires school bus drivers to have at least four hours (was previously two) of instruction on school bus safety practices which shall include at least one hour of training for the transport of children with disabilities prior to service. Requires school bus drivers to take 30 hours of basic course safety training and necessitates the required two-hour refresher training to contain at least one hour of instruction relating to the special needs of a pupil with a disability.

- Provides that a certified school bus driver instructor’s physical presence is not required during the pre-service training of school bus drivers, monitors, or attendants, provided that such training is conducted under the general supervision of such an approved school bus driver instructor.

- Provides that the school bus driver instructor advisory committee members are to be appointed for a three-year term (was previously annually) and requires them to be of good moral character.

- Provides for when a certified school bus driver instructor’s certification can be suspended or revoked by the Department.

- Includes what master instructors must do to maintain certification as a master instructor and provides for when a master instructor’s certification can be suspended or revoked by the Department.

- Adds physician assistants to the list of licensed professions that can perform an examination of school bus monitors and attendants and requires school bus monitors and attendants to be examined within eight weeks prior to the beginning of service (was previously two weeks).

- Requires the school bus monitor and attendant physical performance test form to be submitted electronically to the pupil transportation unit. Prohibits the interval between physical performance tests to exceed 25 months (was previously 24 months). Clarifies that the physical performance test shall be conducted by a currently certified school bus driver instructor and makes amendments to such test to conform with current practice. Removes the temporary waiver provision for the physical performance test for monitors and attendants. Provides that no more than one re-examination per driver may be administered on the same day and that the administration of the test and the pass/fail determination shall be in accordance with the guidance from the Department.

- Adds nonpublic schools to the list of employers whose employees serving pupils with a disabling condition must maintain CPR certification where such skills are required as part of the student’s IEP.

- Clarifies the three types of school bus monitor and attendant training: pre-service safety training, basic course safety training, and refresher safety training. Requires at least four hours of pre-service training (was previously three hours). Requires a minimum of two hours of refresher training at least two times a year and requires that such refresher training include at least one hour of instruction relating to the special needs of a pupil with a disability.

- Requires school bus drivers to instruct pupils to cross the highway at a distance of at least 15 feet in front of the vehicle (was previously 10 feet) and to keep the school bus halted until they have reached the opposite side of the highway, street or private road and until such passengers are at least 15 feet from the bus and either off the highway, street or private road or on a sidewalk. Additionally, such instruction shall also be given during school bus drills.

- Adds the regulations of the Commissioner of the Department of Transportation to the list of regulations with which school bus drivers shall be familiar.

- Includes “exempt tracks” to the list of exceptions to when school bus drivers are required to make full stops.

- Clarifies that the operation of a wheelchair lift shall not be considered as leaving a bus unattended.

- Prohibits the use of electronic cigarettes by drivers, monitors and attendants while on a school bus.

- Provides that the administration of drills on school buses shall be in accordance with the Department’s Bus Safety Drill Guide and Compliance Form and provides that verbal bus mini safety drills should be conducted by a school bus driver prior to the beginning of every sports or activity trip.

- Requires school districts, which procure transportation through contracted vendors using an RFP, to set a minimum passing score thresh-

old prior to evaluating RFPs, much as the State does in its grant applications, to ensure that winning bidders meet certain safety and responsibility standards.

- Provides that due to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.
 - o the basic course of instruction in school bus safety and refresher training instruction may be postponed;
 - o school bus driver instructors may attend the annual professional development seminar (PDS) by teleconference or videoconference for the 2019-2020 school year;
 - o Master instructor training programs may be provided by teleconference or videoconference for the 2019-2020 school year;
 - o Master instructors may attend the annual master instructor strategy meeting or PDS by teleconference or videoconference for the 2019-2020 school year; and
 - o School bus drills may be postponed where such drills are unable to be conducted between March 1st and April 30th.

3. PROFESSIONAL SERVICES:

The proposed amendment does not impose any additional professional services requirements on small businesses.

4. COMPLIANCE COSTS:

See the Costs Section of the Regulatory Impact Statement that is published in the State Register on this publication date for an analysis of the costs of the proposed rule.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional costs or technological requirements on small businesses.

6. MINIMIZING ADVERSE IMPACT:

The proposed amendment aligns the Regulations of the Commissioner of Education to the current policies and procedures of the New York State Department of Motor Vehicles and the New York State Department of Transportation, as well as with current practice. Additionally, the proposed amendment provides flexibility for certain regulatory requirements relating to pupil transportation in response to the COVID-19 crisis. Therefore, no alternatives were considered for those located in rural areas of the State.

7. SMALL BUSINESS PARTICIPATION:

The Department has shared the proposed amendment with the New York State School Bus Contractors Association; which have members who work in small business.

(b) Local governments:

1. EFFECT OF RULE:

The proposed rule updates the Regulations of the Commissioner of Education pertaining to pupil transportation, to align to the current policies and procedures of the New York State Department of Motor Vehicles and the New York State Department of Transportation, as well as with current practice. Additionally, the proposed rule provides flexibility for certain regulatory requirements relating to pupil transportation in response to the COVID-19 crisis. The proposed amendment applies to each of the 695 public school districts in the State.

2. COMPLIANCE REQUIREMENTS:

The proposed amendment is necessary to align the Regulations of the Commissioner of Education to the current policies and procedures of the New York State Department of Motor Vehicles and the New York State Department of Transportation, as well as with current practice. See the summary of compliance requirements under (a)(2) above.

3. PROFESSIONAL SERVICES:

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

4. COMPLIANCE COSTS:

See the Costs Section of the Regulatory Impact Statement that is published in the State Register on this publication date for an analysis of the costs of the proposed rule.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

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

6. MINIMIZING ADVERSE IMPACT:

The proposed amendment aligns the Regulations of the Commissioner of Education to the current policies and procedures of the New York State Department of Motor Vehicles and the New York State Department of Transportation, as well as with current practice. Additionally, the proposed amendment provides flexibility for certain regulatory requirements relating to pupil transportation in response to the COVID-19 crisis. Therefore, no alternatives were considered for those located in rural areas of the State.

7. LOCAL GOVERNMENT PARTICIPATION:

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

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

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

those located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less.

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

The purpose of the proposed amendments to the Regulations of the Commissioner of Education is to update such regulations to align to the current policies and procedures of the New York State Department of Motor Vehicles and the New York State Department of Transportation. Additionally, the proposed amendments provide flexibility for certain regulatory requirements relating to pupil transportation in response to the COVID-19 crisis. In addition to the technical amendments, the proposed amendments make the following changes:

- Allows transportation contracts to be filed with the Commissioner within 120 days of approval of the contract by the board to align with the current practice (regulations were outdated and required 30 days). Contracts which cannot be awarded by August 1 shall be filed with the Commissioner within 5 days after approval with a written explanation for the delay.
- Elimination of installation of stop arms from the list of demonstrable enhancements in pupil safety since this is now mandatory equipment.
- Clarifies that standing passengers shall not be permitted on a school bus unless it is during the first 10 days of school or due to a breakdown, crash or other unforeseen occurrence to be consistent with Education Law § 3635-c.
- Clarifies the definition of school bus driver to mean any person who drives a school bus to or from school or school activities.
- Clarifies the definition of a school bus attendant to mean any person who is employed for the purpose of attending to the special needs of a child based on his or her IEP to safely embark and disembark from a school bus which is owned, leased or contracted for by a public school district or BOCES, and for the purpose of assisting the school bus driver.
- Adds a new definition for regular route to mean any trip that occurs on a regular schedule for the purpose of transporting students from a starting point to a destination and may include pick up and drop off of students enroute (home to school).
- Adds physician assistants to the list of licensed professions that can perform an examination of school bus drivers. Requires school bus drivers to be examined within eight weeks prior to the beginning of service (was previously four weeks).
- Requires the school bus driver physical performance test form to be submitted electronically to the pupil transportation unit. Prohibits the interval between physical performance tests to exceed 25 months (was previously 24 months). Clarifies that the physical performance test shall be conducted by a currently certified school bus driver instructor and aligns the proposed amendment with current practice relating to the test. Provides that no more than one re-examination per driver may be administered on the same day and that the administration of the test and the pass/fail determination shall be in accordance with the guidance from the Department. Removes old provisions which allowed additional time for districts to acquire a school bus driver instructor to perform the physical performance test.
- Clarifies the three types of school bus driver training: pre-service safety training, basic course safety training, and refresher safety training. Requires school bus drivers to have at least four hours (was previously two) of instruction on school bus safety practices which shall include at least one hour of training for the transport of children with disabilities prior to service. Requires school bus drivers to take 30 hours of basic course safety training and necessitates the required two-hour refresher training to contain at least one hour of instruction relating to the special needs of a pupil with a disability.
- Provides that a certified school bus driver instructor's physical presence is not required during the pre-service training of school bus drivers, monitors, or attendants, provided that such training is conducted under the general supervision of such an approved school bus driver instructor.
- Provides that the school bus driver instructor advisory committee members are to be appointed for a three-year term (was previously annually) and requires them to be of good moral character.
- Provides for when a certified school bus driver instructor's certification can be suspended or revoked by the Department.
- Includes what master instructors must do to maintain certification as a master instructor and provides for when a master instructor's certification can be suspended or revoked by the Department.
- Adds physician assistants to the list of licensed professions that can perform an examination of school bus monitors and attendants and requires school bus monitors and attendants to be examined within eight weeks prior to the beginning of service (was previously two weeks).
- Requires the school bus monitor and attendant physical performance test form to be submitted electronically to the pupil transportation unit. Prohibits the interval between physical performance tests to exceed 25

months (was previously 24 months). Clarifies that the physical performance test shall be conducted by a currently certified school bus driver instructor and makes amendments to such test to conform with current practice. Removes the temporary waiver provision for the physical performance test for monitors and attendants. Provides that no more than one re-examination per driver may be administered on the same day and that the administration of the test and the pass/fail determination shall be in accordance with the guidance from the Department.

- Adds nonpublic schools to the list of employers whose employees serving pupils with a disabling condition must maintain CPR certification where such skills are required as part of the student’s IEP.

- Clarifies the three types of school bus monitor and attendant training: pre-service safety training, basic course safety training, and refresher safety training. Requires at least four hours of pre-service training (was previously three hours). Requires a minimum of two hours of refresher training at least two times a year and requires that such refresher training include at least one hour of instruction relating to the special needs of a pupil with a disability.

- Requires school bus drivers to instruct pupils to cross the highway at a distance of at least 15 feet in front of the vehicle (was previously 10 feet) and to keep the school bus halted until they have reached the opposite side of the highway, street or private road and until such passengers are at least 15 feet from the bus and either off the highway, street or private road or on a sidewalk. Additionally, such instruction shall also be given during school bus drills.

- Adds the regulations of the Commissioner of the Department of Transportation to the list of regulations with which school bus drivers shall be familiar.

- Includes “exempt tracks” to the list of exceptions to when school bus drivers are required to make full stops.

- Clarifies that the operation of a wheelchair lift shall not be considered as leaving a bus unattended.

- Prohibits the use of electronic cigarettes by drivers, monitors and attendants while on a school bus.

- Provides that the administration of drills on school buses shall be in accordance with the Department’s Bus Safety Drill Guide and Compliance Form and provides that verbal bus mini safety drills should be conducted by a school bus driver prior to the beginning of every sports or activity trip.

- Requires school districts, which procure transportation through contracted vendors using an RFP, to set a minimum passing score threshold prior to evaluating RFPs, much as the State does in its grant applications, to ensure that winning bidders meet certain safety and responsibility standards.

- Provides that due to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.

- o the basic course of instruction in school bus safety and refresher training instruction may be postponed;

- o school bus driver instructors may attend the annual professional development seminar (PDS) by teleconference or videoconference for the 2019-2020 school year;

- o Master instructor training programs may be provided by teleconference or videoconference for the 2019-2020 school year;

- o Master instructors may attend the annual master instructor strategy meeting or PDS by teleconference or videoconference for the 2019-2020 school year; and

- o School bus drills may be postponed where such drills are unable to be conducted between March 1st and April 30th.

3. COSTS:

The proposed amendment would be a cost to school districts to cover costs associated with receiving school bus driver, monitor and/or attendant training, however, a percentage of such cost would be reimbursable through state transportation aid.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment aligns the Regulations of the Commissioner of Education to the current policies and procedures of the New York State Department of Motor Vehicles and the New York State Department of Transportation, as well as with current practice. Additionally, the proposed amendments provide flexibility for certain regulatory requirements relating to pupil transportation in response to the COVID-19 crisis. Therefore, no alternatives were considered for those located in rural areas of the State.

5. RURAL AREA PARTICIPATION:

The Department has shared the proposed amendment with the New York State School Bus Contractors Association; which has members who live in rural areas.

Job Impact Statement

It is not anticipated that the proposed amendment will impact jobs or employment opportunities. This is because the proposed amendment to sections 156.1, 156.2, 156.3, 156.4, 156.5, and 156.12 of the Regulations of the Commissioner of Education merely updates such regulations to

align to the current policies and procedures of the New York State Department of Motor Vehicles and the New York State Department of Transportation and to current practice.

The proposed amendment will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed amendment that it will have no impact on jobs or employment opportunities attributable to its adoption or only a positive impact, no affirmative steps were needed to ascertain these facts and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Department of Environmental Conservation

NOTICE OF ADOPTION

Regulations Governing Sharks, Atlantic Cod and Squid

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

Filing No. 416

Filing Date: 2020-07-02

Effective Date: 2020-07-22

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

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

Statutory authority: Environmental Conservation Law, sections 13-015, 13-0338 and 13-0339-a

Subject: Regulations governing sharks, Atlantic cod and squid.

Purpose: To revise regulations concerning the commercial fishing and harvest of sharks, Atlantic cod and squid in New York State waters.

Text of final rule: Table A in subdivision 40.1(f) is amended to read as follows:

Striped bass (except the Hudson River north of the George Washington Bridge) through Haddock remain the same.

Atlantic cod## is amended to read as follows:

40.1(f) “Table A – Recreational Fishing”

Species	Open season	Minimum length	Possession limit
Atlantic [cod##] cod	All year	[22"] 21" TL	[10##] 10

Footnote ## is repealed.

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

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

Species Atlantic cod is amended to read as follows:

40.1(i) Table B – Commercial Fishing

Species	Open season	Minimum length	Trip limit
Atlantic [cod] cod++	All year	[22"] 19" TL	[no limit] 50 pounds

New Footnote ++ is added to read as follows:

++ Any amount of Atlantic cod legally harvested from waters outside the state may be possessed on board vessels transiting state waters and may be landed in New York at any time. Persons on such vessels may not fish for Atlantic cod in state waters while utilizing this transit provision.

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

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

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

(2) Quota and harvest trip limits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subparagraph 40.7(d)(4)(v) is repealed.

Subparagraphs 40.7(d)(4)(vi) through 40.7(d)(4)(viii) are renumbered to 40.7(d)(4)(v) through 40.7(d)(4)(vii).

Final rule as compared with last published rule: Nonsubstantive changes were made in section 40.1(i).

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

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

The text of the adopted rule contains a minor change that provides a clarification regarding the transport and landing of Atlantic Cod legally harvested from waters outside the state. The Regulatory Impact Statement, Regulatory Flexibility Analysis for Small Businesses and Local Governments, Rural Area Flexibility Analysis, and Job Impact Statement that were previously published remain accurate and do not require revision.

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 Notice of Proposed Rule Making was published on March 18, 2020 in issue 11 of the State Register. There was a 60-day comment period which ended on May 18, 2020. Stakeholders were informed about the

public comment period through the department's website and gov-delivery.

The department received one comment during the public comment period. The comment addressed two of the proposed amendments, which are summarized separately below.

1. Prohibition of Take or Possession of Blacknose Shark

Comment: Completely prohibiting possession of the blacknose shark in New York is a great step in shark conservation.

Response: The department appreciates this comment in support of the proposed rule and the Department's efforts to protect coastal shark populations.

2. Shortfin Mako Shark Size Limit

Comment: The department received one comment which acknowledged the conservation benefit of the increased size limit but encouraged the complete prohibition on the take or possession of shortfin mako.

DEC response: The purpose of the rule is to bring New York into compliance with the coastwide fishery management plan for Coastal Sharks, to prevent further overfishing of shortfin mako sharks, and to rebuild the overfished shortfin mako stock. These management measures will help to achieve a 75 percent reduction in shortfin mako shark landings and establish a foundation for rebuilding the North Atlantic stock.

At this point in time, the international, federal, and state fisheries management organizations that manage this species have not recommended total prohibition on harvest for shortfin mako shark. New York will continue to work with the Atlantic States Marine Fisheries Commission's Coastal Sharks management board to implement the agreed upon measures to rebuild the shortfin mako stock.

Department of Health

EMERGENCY RULE MAKING

Prohibition of Fireworks

I.D. No. HLT-29-20-00003-E

Filing No. 418

Filing Date: 2020-07-03

Effective Date: 2020-07-03

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

Action taken: Addition of Subpart 9-4 to Title 10 NYCRR.

Statutory authority: Public Health Law, section 225; Executive Order No. 202.47

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

Specific reasons underlying the finding of necessity: On July 3, 2020, Governor Andrew M. Cuomo issued Executive Order No. 202.47, which directed and authorized the Department of Health to issue emergency regulations prohibiting the use of fireworks, consistent with Section 270.00 of the Penal Law. In 2019, there were reports of 12 non-occupational, fireworks-related deaths in the United States, as well as an estimated 10,000 injuries treated in U.S. hospital emergency departments. Children younger than 15 years of age accounted for 36 percent of the estimated fireworks-related injuries. Similar to 2018, nearly half of the estimated emergency department-treated, fireworks-related injuries were to individuals younger than 20 years of age. Children 0 to 4 years of age had the highest estimated rate of emergency department-treated, fireworks-related injuries.

Hospitals are on the front lines of the efforts to treat and care for people suffering from COVID-19, and it is important that New York State not lose the gains it has made in reducing daily case counts through diligent social distancing. As we continue our efforts to minimize COVID-19 case counts and "flatten the curve," it is imperative that people stay safe and refrain from illegal firework use, both to protect themselves and others from fireworks-related injuries, and to minimize the impact on hospital emergency departments.

In addition, there has been evidence of incidents of increased use of fireworks and dangerous fireworks, including in dense areas, which are especially unsafe conditions in which to use them. Use of fireworks and dangerous fireworks presents a danger to public health especially when used in close proximity to people and structures, and the increased prevalence of these reports justifies the need for this emergency regulation to deter such use and protect the public health.

Subject: Prohibition of Fireworks.

Purpose: To prohibit the use of fireworks.

Text of emergency rule: Pursuant to the authority vested in the Public Health and Health Planning Council and the Commissioner of Health by Sections 225 of the Public Health Law and Executive Order No. 202.47, Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by adding a new Subpart 9-4, to be effective upon filing with the Secretary of State, to read as follows:

Subpart 9-4. PROHIBITION OF FIREWORKS

9-4.1. Fireworks use prohibited

The use of fireworks or dangerous fireworks, as defined by subdivision (1) of section 270.00 of the Penal Law, during the state disaster emergency declared by Executive Order No. 202, and any extension thereof, is prohibited, except as may otherwise be permitted pursuant to section 405.00 of the Penal Law.

9-4.2. Penalties

A violation of this Subpart is subject to all civil and criminal penalties as provided for by law, including but not limited to Public Health Law § 12-b. For purposes of civil penalties, each use of fireworks shall constitute a separate violation under this Subpart. Individuals who violate this Subpart are subject to a maximum fine of \$500 for the first violation of this subpart; \$1,000 for the second violation of this subpart; and \$2,000 for each additional violation of this subpart.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires September 30, 2020.

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

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

A Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not submitted, but will be published in the *Register* within 30 days of the rule's effective date.

Lake George Park Commission

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Amendment of Stormwater Regulations Within the Lake George Park

I.D. No. LGP-29-20-00006-P

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

Proposed Action: Amendment of Subpart 646-4 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 43-0107(8), (32), 43-0112 and 43-0117(4)

Subject: Amendment of Stormwater Regulations within the Lake George Park.

Purpose: To more adequately control and minimize the pollutants found in stormwater runoff from going into Lake George.

Public hearing(s) will be held at: 4:00 p.m., Sept. 22, 2020 at Fort William Henry, 48 Canada Street, Lake George, NY.

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

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

Substance of proposed rule (Full text is posted at the following State website: www.lgpc.ny.gov): The Lake George Park Commission (LGPC/Commission) currently administers stormwater management regulations related to land development in the Lake George Park. These regulations went into effect in September of 1990, and were subsequently updated in 1998. The Commission maintains jurisdiction and administers the stormwater permit process in the towns of Hague, Ticonderoga, Putnam, Dresden and Fort Ann. The towns of Queensbury, Bolton, Lake George

and the Village of Lake George have adopted the Commission's model stormwater regulation and have assumed jurisdiction and administration within their own municipal processes.

All NYS agencies including the Commission are required to review their regulatory authorities within a reasonable timeframe and update those regulations as needed through a public process. The Commission's current stormwater regulations and standards have been in place in their current format for 20 years, and the Commission finds that these regulations are due for review and updating.

As such, the LGPC staff have reviewed the Commission's Stormwater Management Regulations (Subpart 646-4), with the intent of achieving enhanced protection of the water quality of Lake George while balancing the impact on the regulated community. Proposed modifications are based on stormwater management science and are focused on reducing existing and future impairments to Lake George water quality.

To achieve the goal of long-term sustained protection of Lake George's outstanding water quality and clarity, the LGPC is considering the following regulatory changes to Subpart 646-4.

ITEM 1: Logging and Agricultural Activities

Action: Logging and agricultural activities which exceed stormwater jurisdictional disturbance thresholds (5,000 square feet) must have a soil conservation plan submitted to the Commission or the local municipality administering stormwater regulations 15 days prior to commencement of the subject activity. Activities must comply with State best management practices. Small scale residential silvicultural activity, which is for private use and results in less than 5 cords of wood annually, is exempt from having to provide a soil conservation plan.

About This Change: Logging and agricultural activities exceeding 5,000 square feet of disturbance are already regulated actions by the LGPC. However, the current regulations require conservation plans be submitted to the County Soil and Water Conservation District or the NYS DEC. The proposed modification would require that soil conservation plans be submitted directly to the Commission or municipality administering the stormwater regulations.

Historically, the regulatory offload onto the DEC and Conservation Districts has led to an incomplete understanding of the regulatory requirements and has led to low compliance rates. This has resulted in several enforcement cases against landowners and logging companies, and created impacts to natural resources that could have been avoided with proper planning and review. Conservation plans will be guided by the State's published best management practices for agriculture and silviculture.

References: 646-4.3 and 646-4.12(C)(a)

ITEM 2: Fertilizer Applications

Action: Within the Lake George Park, no person shall apply or authorize the application of lawn fertilizers within 50 feet of any waterbody, excepting newly established lawn areas during their first growing season.

About This Change: Lawn fertilizers by their very nature provide food for vegetative establishment and growth. However, these same fertilizers applied in excess or carried offsite into a waterbody, can greatly accelerate the growth of aquatic plants and algae in waterbodies and wetlands. The resulting impact reduces water clarity, water quality, and the quality of the aquatic system. Fertilizers applied adjacent to waterbodies are much more prone to being conveyed offsite and into those waterbodies, causing these resulting negative effects. By eliminating lawn fertilizer applications within 50 feet of any waterbody or wetland, those resulting unintended impacts can be greatly reduced.

This regulation parallels the Town of Queensbury regulation which was enacted in 2011 (Local Law 5-2011). The goal is to provide greater public awareness of the negative impacts of lawn fertilizers on Lake George and its many tributaries and wetlands, ultimately resulting in lesser impacts to these natural resources.

No permit shall apply to this provision. It is simply proposed to be a restriction on use.

Reference: 646-4.5 (Prohibitions)

ITEM 3: Standard Setback for Stormwater Facilities for Residential Projects

Action: Create a standard 35 foot setback to water resources for all infiltration devices serving residential projects. This action is a lessening of restrictions for major land development projects, reducing the existing horizontal setback distance between stormwater infiltration devices and water resources (i.e. Lake George, streams, wetlands, wells) from 100-feet to 35-feet. Stormwater infiltration and treatment practices have often required a variance due to the relatively large setback requirement. This setback relief will allow for appropriate, protective stormwater infiltration practices for applicants and stormwater designers.

About This Change: Currently, all stormwater infiltration devices for projects meeting the "Major" development standard as well as those that service roadways and parking lots for "Minor" development standards must meet a 100 foot setback requirement from all water resources. Stormwater from residential development is generally less impactful to

lake and stream water quality than stormwater from larger and more commercial developments. However, the regulations currently do not differentiate between these uses. As a result of the 100 foot setback requirement, it is often difficult for applicants to complete quality stormwater efforts for single home residential projects. The Commission believes that a standard 35' setback for all residential infiltration devices will dovetail better with existing shoreline setbacks and allow for greater stormwater treatment to be designed and constructed, thus protecting the quality of Lake George and its tributaries.

Infiltration devices servicing areas subject to high motor vehicle traffic would still be subject to the 100' setback to water resources.

Reference: 646-4.14(2)(viii)

ITEM 4: Stormwater Retrofits for 'Minor' Project Applications

Action: For all jurisdictional development projects in the basin, stormwater retrofits shall be required to mitigate stormwater discharges from all existing impervious areas on the property through retrofitting practices to the maximum extent practicable, but for not less than one-half inch of precipitation.

About This Change: Even with the Commission's stormwater regulations in effect, the overall water quality of Lake George continues to decline, primarily due to stormwater runoff from developed lands. Only through systematic improvements made to developed lands in the Lake George basin will this downward trend in water quality and clarity slow and ultimately reverse. Stormwater runoff from unmanaged properties has also resulted in a steady stream of landowner conflicts throughout the basin, where runoff from one property flows unabated onto another property, causing flooding, erosion and other impacts. This regulation will help ameliorate these issues over time as landowners in the Lake George basin upgrade their properties with improvements and additions.

The Commission regulations currently require that all development projects that meet the Major project classification (exceed 15,000 square feet) mitigate stormwater from the developed portion of the property. This proposed change will reduce that threshold to include Minor stormwater projects. As such, all development projects exceeding 5,000 square feet of land disturbance or 1,000 feet of new impervious area will need to provide for stormwater management/retrofitting to eliminate discharges from the developed portion of property.

In accordance with the current stormwater regulations, retrofits shall comply with the design requirements and performance standards to the greatest extent practicable, and at a minimum provide control measures to infiltrate the runoff from the first one-half inch of precipitation. Variances are not required where strict conformance with typical design requirements and performance standards may not be met.

Reference: 646-4.13(b)(2)

Text of proposed rule and any required statements and analyses may be obtained from: Dave Wick, Executive Director, Lake George Park Commission, 75 Fort George Road, P.O. Box 749, Lake George, NY 12845, (518) 668-9347, email: dave@lgpc.state.ny.us

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

Public comment will be received until: Five days after the last scheduled public hearing.

Summary of Regulatory Impact Statement (Full text is posted at the following State website: www.lgpc.ny.gov):

In 1987, the legislature amended ECL Article 43 for the purpose, among others, to establish permit requirements and standards for the protection of Lake George water quality and clarity. To this end, ECL Sections 43-0107(8), (9), (32) and 43-0112(1) empower the New York State Lake George Park Commission to promulgate regulations pertaining to stormwater management. On September 19, 1990 the Commission adopted stormwater regulations for development activity in the Lake George Park. These regulations were subsequently revised in 1998 with few substantive changes save for the findings necessary to issue variances, which were modified from a use variance to the less onerous area variance.

The intent of the proposed revisions is to enhance the protection of the water quality of Lake George and its tributaries mainly through two key provisions: (1) a retrofit requirement for minor stormwater projects, and (2) a restriction on lawn fertilizers within 50' of waterbodies. Two additional modifications are proposed for clarity and practicality in the administration of existing provisions, specifically (3) inclusion of standardized setbacks for infiltration devices based on the stormwater source rather than project category, as currently exists, and (4) updated definitions and language concerning exemptions for agricultural and silvicultural activity. All other modifications proposed are of a relatively minor nature, and are intended to reflect existing policy or provide greater consistency with terms used in the SPDES program.

All proposed modifications are both explicitly and implicitly noted in statute and regulation.

Costs

The proposed changes are a modest update to the Commission's exist-

ing stormwater regulations. As noted above, the proposed amendments include two key provisions: retrofitting for projects meeting the Minor classification as well as fertilizer restrictions.

Stormwater Retrofit costs:

Similar to existing regulations for Major stormwater projects (>15,000sqft of land disturbance), the proposed regulatory amendment will require that all jurisdictional projects (>5,000sqft land disturbance, or >1,000sqft new impervious area) address stormwater runoff from existing impervious areas on a property to the maximum extent practicable with a minimum volume control equal to one half inch of precipitation from existing impervious areas. Typical costs for stormwater retrofit practices can vary from almost zero (minor grading efforts) to low cost (eg. infiltration chambers). There is no requirement to obtain a licensed engineer for these practices. For a typical property, additional costs are anticipated to fall between \$0 and \$4,000. When the minimum volume control requirement of one half inch may not be met, a variance may be granted from this standard. However, in contrast with other variances within stormwater management, the proposed regulations expressly allow the granting of variances from the retrofit standard to be authorized by review staff rather than at the Commission and zoning board level, which is intended to streamline review compared with traditional administrative variance review that may involve multiple board meetings.

The cost to administer this regulation, for both the Commission and for local government, is seen as minimal. The only time that this regulation would take effect is when there is an application for a stormwater permit. The estimated annual number of minor stormwater project applications equates to 5-10 projects per municipality throughout the Lake George watershed (0-1 per month on average). Based on these development numbers, it is estimated that there are roughly 50-80 minor projects in the watershed each year that are currently subject to the stormwater management requirements of 646-4, and which would be subject to the retrofit standard for minor projects. The review of the proposed minor stormwater retrofits would be a small portion of the overall project review, and is not seen as impacting significantly upon either the Commission or the local government. LGPC staff note that the time to review the retrofit elements of a Major project currently adds an estimated 5-10% of review time per project.

Lawn Fertilizer restriction costs:

The Commission's proposed restrictions on fertilizers within 50 feet of a waterbody are not seen to have a cost impact upon regulated parties. This prohibition will simply disallow the use of fertilizers adjacent to Lake George and its tributaries, and there is no cost associated with not using a commercial product.

The cost of administering and enforcing this regulation is seen as minimal. This regulation already exists in two municipalities within the Lake George Park, and while they do receive occasional calls or complaints that require follow-up, it is not a significant workload for their codes and planning staff.

Updated Infiltration Device Setback costs

By current LGPC stormwater regulations, all stormwater infiltration devices for projects meeting the "Major" project standard as well as those that service areas subject to vehicle traffic for "Minor" development standards must meet a 100 foot setback requirement from all water resources.

The Commission proposes a standard 35 foot setback to water resources for all infiltration devices serving Major and Minor projects, and intends to maintain the 100' setback to water resources for infiltration devices servicing areas subject to high motor vehicle traffic.

If this action has any impact on project costs, it is anticipated to reduce costs. Stormwater infiltration and treatment practices have often required a variance due to the relatively large setback requirement. This major project relief is anticipated to reduce the need for variances, and would thereby potentially reduce project cost. For minor projects, the proposal represents a new minimum setback of 35' for areas such as roofs. Given the minimum building setback of 50' from Lake George, it is reasonable that infiltration devices may be designed outside the 35' setback, and as such no additional costs are anticipated from this change as it relates to minor stormwater projects.

Updated Terms for Agricultural and Silvicultural Exemptions

The requirement that a conservation plan be developed to meet the agricultural and silvicultural exemption has been in place for decades. For clarity and to reflect current practice, the Commission has updated the terms utilized for agricultural and silvicultural exemptions. As such, there would no additional cost incurred to develop this information.

The Commission and the municipal stormwater programs are not responsible for approving the soil conservation plans, and so there are little if any increased costs to government anticipated with this modification.

Local government mandates

The existing municipalities that administer Commission stormwater programs (the Village of Lake George, and the Towns of Lake George,

Queensbury, and Bolton) will be required to adopt the substantive changes proposed. It is noted that comparable fertilizer restrictions already exist within the codes of some municipalities in the basin, and stormwater retrofits are a common requirement sought by the local Planning Boards, as many shoreline development projects are deemed to be "Major" projects due to their location within a Critical Environmental Area. The standardized setbacks for infiltration devices are anticipated to reduce the need of variances for jurisdictional projects, and therefore will provide relief from review at the municipal level. Updated terms for agricultural and silvicultural exemptions represent a simplification of existing requirements within town stormwater programs, and therefore should not increase local mandates. In its totality, any additional program and review responsibility associated with the proposals are not a significant increase above current levels.

Paperwork

The proposed regulations would not necessitate any new reporting requirements. Of note, soil conservation plans for the agricultural and silvicultural exemptions will now be provided to the Commission or municipality rather than to County Soil and Water or DEC; this is not a new reporting requirement but rather a change to an existing reporting requirement. Intended to streamline the process, a soil conservation plan may include such form(s) as may be provided by the Commission.

Duplication

Stormwater retrofits:

The Commission is statutorily charged with management of stormwater runoff in the Lake George Park, and as such, its jurisdictional thresholds are low compared with the SPDES program administered by DEC and the local MS4 communities. Specifically, development of a stormwater plan with post-construction stormwater control measures is not required by the SPDES program until there is at least 1 acre of land disturbance. Presently, when the Commission's jurisdiction overlaps with those of DEC on properties with greater than 1 acre of land disturbance, the more restrictive standard is applied. In this instance, the Commission would enforce its own regulation.

Lawn Fertilizer restriction:

State law prohibits the application of lawn fertilizer within 20 feet of any surface water except where there is a vegetative buffer of at least 10 feet, or where the fertilizer is applied by a device with a spreader guard, deflector shield or drop spreader at least three feet from surface water. The Commission's proposed fertilizer regulation is more restrictive than the existing statutory prohibition. The more restrictive standard would apply.

Updated Infiltration Device Setback:

Section 6.3.1 of the NYS DEC Stormwater Management Design Manual concerning the required elements for infiltration devices states that infiltration facilities shall be located at least 100 feet horizontally from any water supply well. There is no setback to water bodies. The proposed regulatory modification would provide a minimum setback of 35 feet between infiltration devices and down gradient water resources including water wells and water bodies, and maintain a 100 foot setback to down gradient water resources for infiltration devices servicing high traffic areas. As noted above, when the Commission's jurisdiction overlaps with those of DEC on properties with greater than 1 acre of land disturbance, the more restrictive standard is applied. In this instance, the Commission would enforce its own regulations.

Updated Terms for Agricultural and Silvicultural Exemptions:

With respect to stormwater review at the State level, "Forestry" is not listed as an "industrial activity" under 122.26(b)(14) and, therefore, is not subject to SPDES permitting by DEC. Locally, municipalities with Adirondack Park Agency approved local land use programs review logging activity pursuant to their Agency delegated authority over Class B Regional projects including "clearcutting". Though recommended within the State's published best management practices for agriculture and forestry, the Commission's exemption from stormwater management has long been the only regulatory mechanism to ensure conservation plans employing BMP's are developed and followed for these activities.

Alternatives

Stormwater Retrofits:

No alternatives were strongly considered. The retrofit standard already exists for "Major" projects, and this modification to include "Minor" projects is the logical next step to address runoff from existing development. The "no-action" alternative was discussed but rejected, based on the identified need to slow the decline of water quality in Lake George from stormwater runoff pollution from existing development. Additionally, no action would contradict ECL Section 43-0112(2) and the resulting Retrofit Study and Recommendations.

Lawn Fertilizers restriction:

No alternatives were strongly considered. The 50' proposal conforms to locally established zoning codes for two municipalities within the basin, and presents a reasonable approach to limiting impacts to Lake George from fertilizer runoff. Having a unified fertilizer standard under Commis-

sion regulation that applies to the entire basin will ensure consistent land use protections and associated water quality benefits, and is seen as an administrative efficiency when compared with the alternative of encouraging each municipality in the basin to undertake their own separate fertilizer regulations. The "no-action" alternative was not accepted based on the identified water quality benefits that such a regulation could offer.

Updated Infiltration Device Setback

No alternatives were strongly considered. The modification to a 35' setback for infiltration devices servicing areas not subject to high vehicle traffic presents a reasonable approach to stormwater management that dovetails with the Adirondack Park Agency's shoreline cutting restrictions and shoreline structure setbacks; the former is a restriction of vegetative cutting within 35' of water bodies and the latter sets a minimum 50' setback for structures. Additionally, the modification will serve to provide adequate stormwater treatment while alleviating the need for variances that presently exists for major projects.

Updated Terms for Agricultural and Silvicultural Exemptions:

No alternatives were strongly considered. The modification represents a minor change from current standards exempting agricultural and silvicultural activities.

Federal standards

There are no relevant federal standards.

Compliance schedule

It is anticipated that the Commission and Towns will adopt these regulations by January 1, 2021.

Regulatory Flexibility Analysis

Effect of Rule

The economy of the Lake George region is characterized by the many small businesses which are either directly in the tourism business or dependent upon it. There are no exact figures on the number of businesses, but based on membership in local commerce organizations, an estimated range for the total number of small businesses located within the Lake George Park is 650-800. Lake George has over 100 "attractions" and 25 full service marinas on the water. The Lake George Chamber of Commerce has 440 business members. Only those small businesses which undertake construction are subject to the requirements of the Commission's stormwater regulations. These businesses include resorts, motels, restaurants, marinas, gift shops and recreational activities. An important premise of the program is that the attractive qualities of Lake George generate much of the tourism demand in the region and that the protection of the Lake helps to sustain the economy and the individual small businesses.

There are three counties and twelve municipalities all or partially within the Lake George Park. Municipalities that have adopted the Commission's model stormwater ordinance presently incur expenses relating to the administration of a Stormwater Regulatory Program. Municipalities that administer their own stormwater program are the Village of Lake George, and the towns of Lake George, Bolton, and Queensbury. The additional workload and associated cost of the proposed regulatory changes are not anticipated to be significant compared with the current stormwater management oversight by these municipalities.

The ultimate use of a parcel of land being developed has little bearing on the cost of stormwater management. The key determination in cost is the area of impervious surface created and the suitability of the site based on such factors as size, soil depth and slope.

The current regulations require all entities including small businesses and local government that propose to develop land within the Lake George Park to apply for a stormwater management permit. In connection with this permit, any property owner (business or private) is required to pay an application fee (\$100 for minor projects, \$200 for major projects). All property owners are required to meet certain project design and performance standards in connection with their stormwater permit requirements. The costs of the additional measures proposed by this new regulatory change are limited to those associated with stormwater retrofits of existing development onsite and fully described in the Cost section of the accompanying Regulatory Impact Statement. Small businesses which add on to their existing facilities will be subject to these costs. The costs for projects are a function of the size of the project and existing development onsite contributing runoff. As with privately sponsored projects, local government will need to comply with regulatory criteria for stormwater management. This will result in additional expenses which are estimated for projects in the Regulatory Impact Statement.

Compliance Requirements

The existing regulations require a permit to be applied for and received prior to most development of any land in the Lake George Park. An application for a variance or waiver is presently required in the event that an applicant seeks a permit for a non-conforming design. The proposed regulatory changes will not alter these requirements.

Professional Services

Small businesses applying for a stormwater management permit to

construct a project may require the services of an engineer or surveyor to prepare the necessary plans for such applications. However, such services are generally required for the design and construction of small business facilities. The proposed changes, specifically the retrofit requirement, would expand the scope of work for a designer working on a project. It is not expected that the amendments to the stormwater management regulations will require any additional or unusual professional services.

Compliance Costs

For businesses and local government, changes to existing compliance costs will be related to stormwater retrofits for "minor" projects, which are addressed in the Costs section of the RIS. Local governments that administer the Commission's model stormwater ordinance may also have slight increases in cost associated with the review of stormwater retrofits for "minor" projects reviewed by local government staff.

Economic and Technological Feasibility

The proposed modifications do not impose a significant economic or technological burden. The proposed amendments include four substantive provisions: (1) the Commission has updated the terms utilized for agricultural and silvicultural exemptions, (2) standardized setbacks for infiltration devices servicing residential projects, (3) fertilizer restrictions, and (4) retrofitting for projects meeting the Minor classification.

The requirement that a conservation plan be developed to meet the agricultural and silvicultural exemption has been in place for decades. For clarity and to reflect current practice, the Commission has updated the terms utilized for agricultural and silvicultural exemptions. As such, there would no additional cost incurred to develop this information. The Commission and the municipal stormwater programs are not responsible for approving the soil conservation plans, and so there are little if any increased costs to government anticipated with this modification.

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Minimizing Adverse Impact

The overall effect of the existing and proposed regulations is to protect and enhance the water quality of Lake George and its tributaries, which will provide a positive impact upon small businesses located within the Lake George Park. This should in turn support the growth and vitality of local communities and achieve positive outcomes for local government. The regulations were drafted so as to minimize cost to regulated entities while still achieving the purposes of Environmental Conservation Law Section 43-0012. The impact on small businesses and local government was minimized by limiting the scope of these regulations to new jurisdictional construction as opposed to requiring retrofits runoff from existing structures within a specified timeframe. Small businesses could not be exempted from the rules since this would be inconsistent with the legislative mandate. Neither would it be appropriate to exempt local government projects.

Small Business and Local Government Participation

The Lake George Park Commission is a locally based state agency which meets monthly within the Lake George Park. Meetings of the Commission are open to the public and many small business operators regulatory access the Commission in this venue. Citizen members of the Commission include current and retired small business owners and employees. This helps to ensure that business perspectives are represented.

The revisions were the subject of a public informational workshop meeting of the Commission on May 15, 2017. Citizens including small business owners were afforded an opportunity to discuss the regulations directly with the Commission members in a workshop setting. Additionally, the Commission has presented the proposed revisions to the Town

Board or Planning Board of every Town and Village within the Park, and has facilitated meetings with professional designers, business owners, NGO's, and foresters. Public hearings on the topic will be set for the summer of 2020 after the rule is recorded in the State register. There will be a least one formal public hearing on the proposed revisions pursuant to the terms of SAPA section 202.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

The Lake George Park is a rural area comprising some 300 square miles in land and water surface area. Of the approximately 255 square miles of land surface, some 100 square miles is State owned forest preserve. The whole area is located within the Adirondack Mountain region occupying an area at the south eastern portion of the Adirondack Park. It is characterized by steeply sloped forested mountains and hillside areas with a number of streams and smaller lakes and ponds.

Development is concentrated along the Lake George lakeshore and nearby State highways of Route 9, 9L and 9N. There is one incorporated Village Lake George - and three Hamlets: Bolton Landing, Hague and Ticonderoga. Seasonal residential areas are located at Huletts Landing, Gull Bay and Glenburnie. The population expands dramatically in the summer months, approximately a tenfold increase.

Generally, the number of year round residences along the Lake has risen as camps have been converted to year round homes. This has occurred primarily in Queensbury, Lake George and Bolton. These communities have easy access to NYS Route 87 and therefore to the Albany/Saratoga Metropolitan region. Suburban type development of residential subdivision has occurred in recent years in Bolton, Queensbury and Lake George. The Lake George Park is predominately rural in character. However, some areas within the Village of Lake George, Town of Lake George, Town of Bolton and Town of Queensbury can be considered more suburban in nature than rural.

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

The compliance requirements for rural areas are as set forth in the Regulatory Impact Statement. Since the entire lake watershed area is generally rural in character, the impact of the project on rural areas is equivalent to the regulatory impact described.

Under the proposed standards, all new development projects which exceed 1,000 square feet of new impervious area or exceed 5,000 feet of land disturbance will need to meet the requirement that the property be retrofitted to address stormwater runoff from the existing impervious area on the property. This standard has always applied to projects meeting the 'Major' project threshold, but it will now apply to projects which meet the 'Minor' threshold. This new action, in time, will address runoff from existing properties which undertake improvements or expansions, thus meeting the stated goals of the Commission's stormwater program, which are to minimize stormwater runoff impacts from development within the Lake George Park.

The new standards will also require that no infiltration devices be installed within 35 feet of water resources, that no fertilizer be applied within 50 of a water body, and that conservation plans for agricultural and silvicultural activities be submitted to the Commission or authorized municipality rather than local Soil and Water Conservation Districts or the DEC. The 35 foot setback is a lessening of current standards for major projects, and is intended dovetail with current APA setback standards. The standard remains stricter than guidance from DEC's Stormwater Design Manual, which does not have a specified separation distance for citing infiltration devices from water bodies. The fertilizer restriction is a common sense regulation intended to reduce the introduction of fertilizer, a known pollutant, to Lake George and its tributaries. The modification to the soil conservation plan is intended to create one stop shopping with better communication between the community and the Commission, and this does not represent a significant modification from current requirements regarding the same agricultural and silvicultural activities.

Costs:

The costs estimates for compliance with the Stormwater Regulations is as set forth in the Regulatory Impact Statement. Costs estimates are basically the same, whether the area in question is rural/suburban/urban.

Minimizing Adverse Impact:

The overall effect of the amendments to the Commission's stormwater regulations will be to protect and enhance the water quality of Lake George and its tributaries. This will provide a positive impact upon entities in rural areas by maintaining environmental quality and overall property values. These revisions were drafted so as to minimize costs to regulated entities in all areas within the Lake George park including rural areas, while still achieving the purposes embodied in Environmental Conservation Law section 43 0112, which mandated the adoption of the Stormwater Regulations.

As mentioned previously, the majority of land within the Park is considered rural in character. The compliance and reporting requirements

of the regulations apply to regulated entities developing land within the rural areas of Lake George Park as well as in the suburban/urban areas of the Park. Modifying or eliminating the standards for development in rural areas would not be consistent with the legislative mandate contained in Environmental Conservation Law section 43 0112. The regulations rely to some degree on both design and performance criteria and cannot rely exclusively on performance criteria for rural areas for the reasons set forth in the Regulatory Impact Statement. Rural areas could not be exempted from the regulations because as aforesaid, the Lake George Park is primarily rural. However, the regulations do contain express exemptions including the construction of one of more single accessory structures with a total service area not exceeding 1000 square feet, or undertaking a land disturbance of less than 5,000 square feet.

Rural Area Participation:

The Lake George Park Commission is a locally based state agency which meets monthly within the Lake George Park, rotating the meetings around the Park and between different municipalities. All meetings of the Commission are open to the public and advertised in the Glens Falls Post Star and on the Commission website. The Commission met with every municipality within the Lake George Park to discuss these proposed regulatory changes and solicit feedback, which was a very positive effort. The Commission also held many meetings with stakeholder groups around the Lake George Park to discuss the proposal and seek feedback. This collective feedback was very valuable in developing the final regulatory package.

Job Impact Statement

1. Nature of Impact

The purpose of the rule-making is to revise standards and procedures for Stormwater Management within the Lake George Park. The revised proposed regulation is not expected to have any significant impact on job numbers. The fertilizer restriction, updated setbacks for infiltration devices, and updated terms for agricultural and silvicultural activities are not expected to have any effect on jobs. The retrofit requirement proposed for minor stormwater projects may create a slight increase in work associated with the construction of stormwater retrofits. However, these retrofits will be associated with jurisdictional construction activities, most of which involve the establishment of post construction stormwater control measures, and as such the additional work/jobs necessary to meet the retrofit standard are not anticipated to be significant.

2. Categories and Numbers Affected

The jobs potentially affected by the proposed retrofit requirement for minor projects would primarily be design and construction jobs. It is estimated that there are approximately 100-200 minor stormwater management projects in the Lake George basin annually. Each of these projects would require post-construction stormwater control measures to be included along with the measures required for new impervious areas. Minor upticks in work related with these retrofit requirements may be anticipated.

3. Regions of Adverse Impact

The revised proposed regulations would apply only to the Lake George watershed.

4. Minimizing Adverse Impact

The proposed regulation minimizes adverse impacts to existing jobs, and to a minor degree may promote new employment. One of the four primary changes, fertilizer restrictions, is a passive requirement that does not require any active undertaking by individuals within the basin. Two of the four primary changes, updates to infiltration device setbacks and agricultural and silvicultural exemptions, are modifications to existing standards, and as such do not represent any appreciable increase or decrease to work/jobs. The proposed retrofit requirement for minor projects has potential to slightly increase work/jobs.

5. Self-Employment Opportunities:

The proposed regulation will have not a significant impact on self-employment. The only potential impact would be an increase in self-employment design and construction jobs as they relate to stormwater retrofit work noted above.

Office of Parks, Recreation and Historic Preservation

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

Listing of State parks, parkways, recreation facilities and historic sites (facilities), New York City Region.

I.D. No. PKR-29-20-00001-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 section 384.11(a) of Title 9 NYCRR.

Statutory authority: Parks, Recreation and Historic Preservation Law, sections 3.09(8) and 13.03

Subject: Listing of State parks, parkways, recreation facilities and historic sites (facilities), New York City Region.

Purpose: To update the listing of state parks, parkways, recreation facilities and historic sites in the New York City Region.

Text of proposed rule: Subdivision (a) of Part 384.11 is amended to read as follows:

(a) State parks.

Bayswater Point	Queens
Clay Pit Ponds State Park Preserve	Richmond
Marsha P. Johnson[East River]	Kings
FDR Four Freedoms	New York
Gantry Plaza	Queens
Denny Farrell Riverbank	New York
Roberto Clemente	Bronx
Shirley Chisholm	Kings

Text of proposed rule and any required statements and analyses may be obtained from: Kathleen L. Martens, Office of Parks, Recreation and Historic Preservation, 625 Broadway, Albany, New York 12238, (518) 474-0401, email: Rule.Making@parks.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.

Consensus Rule Making Determination

The New York State Office of Parks, Recreation and Historic Preservation submits this proposal as a consensus rule-making pursuant to the State Administrative Procedure Act, Section 202(1)(b)(i), having determined that no person is likely to object to the amendment as it updates the list of Facilities already under agency jurisdiction and involves a non-controversial activity.

Job Impact Statement

The regulation that is the subject of this proposed rule-making (9 NYCRR 384.11(a)) provides a listing of current state parks, parkways, recreation facilities, state land and historic sites within the jurisdiction of Office of Parks, Recreation and Historic Preservation (OPRHP) (Facilities) in the New York City Region. The proposed amendment provides an updated list of these Facilities, including one that has been renamed; therefore, the amendment will not affect jobs or employment opportunities.

Office for People with Developmental Disabilities

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Operating Certificates

I.D. No. PDD-29-20-00002-EP

Filing No. 417

Filing Date: 2020-07-02

Effective Date: 2020-07-02

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

Proposed Action: Amendment of Parts 619, 624, 625, 633; repeal of sections 635-5.1, 635-5.2 and 635-5.3 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b), 13.15(a) and 16.00

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

Specific reasons underlying the finding of necessity: The emergency adoption of amendments that outline operating certificates for providers who intend to provide Care Coordination and Crisis Intervention services for individuals with developmental disabilities, is necessary to protect the health, safety, and welfare of individuals who receive these services. This regulation must be issued by emergency regulation because OPWDD has new statutory authority to regulate these entities, effective 7/2/2020.

The emergency amendments amend Title 14 NYCRR Parts 619, 624, 625, 633, and 635 to specify the requirements for operating certificates for providers of Care Coordination and Crisis Intervention services. The regulations must be filed on an emergency basis given OPWDD's new statutory authority to regulate these entities under chapter 58 of the laws of 2020.

Subject: Operating Certificates.

Purpose: Outlines the required operating certificates for providers who intend to provide care coordination and crisis intervention.

Text of emergency/proposed rule: Amendment to the title of existing Part 619 to read as follows:

PART 619. CERTIFICATION OF FACILITIES AND [HOME AND COMMUNITY BASED SERVICES (HCBS)] SERVICES

- Amendment to existing section 619.1 to read as follows:

This Part applies to all facilities and [HCBS waiver] services certified by OPWDD.

- Amendment to existing of subdivision (c) of section 619.2 to read as follows:

(c) For the purposes of this Part, an operating certificate means a document pertinent to the appropriate class of facility or [HCBS waiver] service that conveys authorization by OPWDD of a provider of services to operate specific facilities or [HCBS waiver] to deliver certain services identified on or as an attachment to such document.

- Addition of a new paragraph (10) of subdivision (d) of section 619.2 to read as follows:

(10) Services approved in a Medicaid state plan that are designated for individuals with intellectual or developmental disabilities.

(i) Such Medicaid state plan services include:

(a) Comprehensive Health Home Care Management;

(b) Basic Home and Community Based Services (HCBS) Plan Support; and

(c) Crisis Services for Individuals with Intellectual and/or Developmental Disabilities.

- Amendment to existing subdivision (d) of section 619.3 to read as follows:

(d) The initial certification and amendments to all classes of operating certificates, except those services enumerated in paragraph ten of subdivision d of section 619.2 of this Part that were certified effective July 2, 2020, must be in accordance with certification of need and terms of approval requirements in Part 620 of this title. Beginning July 3, 2020, initial certification of those exempt services and amendments to those services, must comply with certification of need and terms of approval requirements in Part 620 of this title.

- Amendment to existing subdivision (g) of section 619.3 to read as follows:

(g) The certification or recertification of facilities and/or [HCBS waiver] services may be contingent on the receipt of an acceptable plan of corrective action in a form and format specified by OPWDD.

- Amendment to existing subdivision (d) of section 624.1 to read as follows:

(d) Programs that are certified under section 16.03(a)(4) or 16.03(a)(5) of the Mental Hygiene Law and are funded by OPWDD, but that are not operated by OPWDD, are not considered to be "facilities and programs that are certified or operated by OPWDD" as that phrase is used throughout this Part. The requirements of Part 624 apply to reportable incidents and notable occurrences that are under the auspices (see glossary, section 624.20 of this Part) of such programs, except that such programs are not required to report incidents to the Justice Center's Vulnerable Persons' Central Register (VPCR).

- Amendment to existing subdivision (j) of section 624.2 to read as follows:

(j) Facilities and programs that are certified or operated by OPWDD, except those programs that are certified under paragraph 16.03(a)(4) or 16.03(a)(5) of the Mental Hygiene Law, are required to comply with relevant provisions of Article 20 of the Executive Law (Protection of People with Special Needs) and Article 11 of the Social Services Law (Protection of People with Special Needs), and to implement regulations promulgated by the Justice Center for the Protection of People with Special Needs (Justice Center).

- Amendment to existing paragraph (1) of subdivision (d) of section 624.5 to read as follows:

(1) Facilities and programs that are operated or certified by OPWDD must report all reportable incidents to the VPCR. (Non-certified programs that are not State operated, and programs certified under section 16.03(a)(4) or 16.03(a)(5) of the Mental Hygiene Law that are not State operated, are not required to report to the VPCR).

- Amendment to existing subparagraph (ii) of paragraph (3) of subdivision (h) of section 624.5 to read as follows:

(ii) In other cases (e.g., incidents in non-certified programs that are not operated by OPWDD or in programs certified under section 16.03(a)(4) or 16.03(a)(5) of the Mental Hygiene Law that are not operated by OPWDD), the agency will determine whether the incident is to be reclassified and must report any reclassification in IRMA. (This reclassification is subject to review by OPWDD.)

- Amendment to existing paragraph (1) of subdivision (o) of section 624.5 to read as follows:

(1) for reportable incidents of abuse and neglect in programs that are not certified or operated by OPWDD, or are certified under section 16.03(a)(4) or 16.03(a)(5) of the Mental Hygiene Law and not operated by OPWDD, and for reportable significant incidents and notable occurrences in all facilities and programs certified, operated, or funded by OPWDD:

- Amendment to existing paragraph (4) of subdivision (e) of section 624.7 to read as follows:

(4) Concerning facilities and programs that are not operated by OPWDD, including non-certified programs and programs certified under section 16.03(a)(4) or 16.03(a)(5) of the Mental Hygiene Law, the IRC must monitor all actions taken to implement recommendations made by the Central Office of OPWDD or the Justice Center.

- Amendment to existing subdivision (e) of section 625.1 to read as follows:

(e) Programs that are certified under section 16.03(a)(4) or 16.03(a)(5) of the Mental Hygiene Law and are funded by OPWDD, but that are not operated by OPWDD, are required to report and address events and situations that are not under the auspices of an agency in accordance with this Part. Such certified programs are not, however, required to report deaths to the Justice Center.

- Amendment to the title of existing Part 633 to read as follows:

PART 633. PROTECTION OF INDIVIDUALS RECEIVING SERVICES IN FACILITIES AND SERVICES OPERATED AND/OR CERTIFIED BY OPWDD

- Amendment to existing subdivision (c) of section 633.1 to read as follows:

(c) This Part contains requirements applicable to all facilities and services operated or certified by the Office for People With Developmental Disabilities, hereinafter referred to as OPWDD (see glossary section 633.99 of this Part). In a family care home, the sponsoring agency (see glossary) and the holder of the operating certificate shall be responsible for ensuring compliance with this Part.

- Amendment to existing subdivision (d) of section 633.1 to read as follows:

(d) The implementation date for compliance with this Part shall be January 31, 1988. For services certified pursuant to paragraph (10) of subdivi-

sion (d) of section 619.2 of this Title, the implementation date for compliance with this Part shall be July 2, 2020, except that, for such services, the implementation date for compliance with sections 633.5, 633.6 and 633.8 of this Part shall be January 1, 2021.

- Amendment to existing subdivision (e) of section 633.1 to read as follows:

(e) In every instance in this regulation, the terms people, person/persons or individual/individuals shall refer to those who have met the admission criteria for an OPWDD operated or certified facility and who have been admitted, or who have applied to and been screened for services and for whom a clinical record is maintained or processed by such facility as well as those individuals receiving services certified by OPWDD.

- Amendment to existing subdivision (d) of section 633.2 to read as follows:

(d) The OPWDD certification process defined in subdivision 633.2(c) of this section is superseded by requirements in Part 619 of this Title, Certification of Facilities and Services [Home and Community Based Services (HCBS), effective on the effective date of these regulations].

- Amendment to existing subparagraph (i) of paragraph (1) of subdivision (a) of section 633.22 to read as follows:

(i) facilities holding an operating certificate issued by OPWDD (e.g., residences, family care homes, day treatment, day training, sheltered workshops), home and community based waiver services, [Medicaid Service Coordination] state plan services enumerated in paragraph ten of subdivision d of section 619.2 of this Title, family support services, individual support services; and

- Amendment to existing clause (g) of subparagraph (i) of paragraph (2) of subdivision (d) of section 633.22 to read as follows:

(g) a [service coordinator] care manager and a supervisor of a [service coordinator] care manager [, including a Medicaid Service Coordinator (MSC) and a MSC supervisor]; and

- Amendment to existing paragraph (2) subdivision (b) of section 635-4.1 to read as follows:

(2) Services for the purposes of this Subpart, services shall mean ICF/DD services (Intermediate Care Facilities for Persons with Developmental Disabilities), *Comprehensive Health Home Care Management, Basic HCBS Plan Support, Crisis Services for Individuals with Intellectual and/or Developmental Disabilities* [Medicaid service coordination], day treatment services, clinic treatment facilities (see Part 679 of this Title), and all HCBS waiver services.

- Amendment to existing subdivision (d) of section 635-4.4 to read as follows:

(d) The reduction in reimbursement shall equal two percent of the total billed price(s), rate(s) and/or fee(s) in the payment systems beginning on the due date of the cost report, or the revised due date of the cost report if OPWDD has approved the provider's request for a waiver of the reduction in reimbursement in accordance with paragraph (c)(4) of this section, and continuing until the next regularly scheduled payment cycle following the last day of the month in which the cost report is received. For a provider subject to this sanction, the reduction shall apply to reimbursements for the following services: Intermediate Care Facilities for Persons with Developmental Disabilities, *Comprehensive Health Home Care Management, Basic HCBS Plan Support, Crisis Services for Individuals with Intellectual and/or Developmental Disabilities* [Medicaid Service Coordination], Day Treatment, Clinic Treatment Facilities, residential habilitation in individualized residential alternatives (IRAs) and community residences (CRs), and all other HCBS waiver services.

- Existing Sections 635-5.1, 5.2, and 5.3 are repealed.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire September 29, 2020.

Text of rule and any required statements and analyses may be obtained from: Mary Beth Babcock, Office for People With Developmental Disabilities, Office of Counsel, 3rd Floor, 44 Holland Ave., Albany NY 12229, (518) 474-7700, email: rau.unit@opwdd.ny.gov

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

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

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

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

Regulatory Impact Statement

1. Statutory Authority:

a. The Office for People With Developmental Disabilities (OPWDD) has the statutory responsibility to provide and encourage the provision of

appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of persons with intellectual and developmental disabilities, as stated in the New York State (NYS) Mental Hygiene Law (MHL) Section 13.07.

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

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

2. Legislative Objectives:

The proposed regulations further legislative objectives embodied in MHL sections 13.07, 13.09(b), and 16.00. The regulations amend Title 14 New York Codes Rules and Regulations (NYCRR) Parts 619, 624, 635, 633, and repeal sections 635-5.1, 635-5.2, and 635-5.3 relating to operating certificates for providers intending to provide care coordination and crisis intervention services. These are technical changes being made out of necessity as OPWDD was granted additional authority under Part RR of Chapter 58 of the Laws of 2020 to oversee providers of care coordination and crisis intervention services.

3. Needs and Benefits:

The proposed regulations amend Title 14 NYCRR Parts 619, 624, 635, 633, and repeal sections 635-5.1, 635-5.2, and 635-5.3 to make technical changes based on new authority granted to OPWDD under Part RRR of Chapter 58 of the Laws of 2020. These technical changes are necessary to fulfill the purpose of the statute which require OPWDD take a more proactive role in supervising providers of care coordination and crisis intervention services. The technical regulation changes match the statutory requirements for these types of services. Furthermore, the intention of the statute is to protect vulnerable individuals who are receiving these enhanced services. Without the additional oversight as granted by statute OPWDD would have concerns regarding the health and welfare of the individuals receiving services from OPWDD regulated providers.

4. Costs:

a. Costs to the Agency and to the State and its local governments: There is no anticipated impact on Medicaid expenditures as a result of the proposed regulations.

These regulations will not have any fiscal impact on local governments, as the contribution of local governments to Medicaid has been capped. Chapter 58 of the Laws of 2005 places a cap on the local share of Medicaid costs and local governments are already paying for Medicaid at the capped level.

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

b. Costs to private regulated parties: There are no anticipated costs to regulated providers to comply with the proposed regulations. The amendments/additions modify the requirements for providers looking to provide care coordination and crisis intervention services to receive an operating certificate.

5. Local Government Mandates:

There are no new requirements imposed by the rule on any county, city, town, village; or school, fire, or other special district.

6. Paperwork:

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

7. Duplication

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

8. Alternatives:

OPWDD did not consider any other alternatives to the proposed regulations. The regulations are necessary to comply with newly enacted state law (chapter 58 of the laws of 2020).

9. Federal Standards:

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

10. Compliance Schedule:

OPWDD plans to adopt the regulations as an Emergency Adoption. The effective date for enforcement of the regulation will be July 2, 2020. The proposed regulations were discussed with and reviewed by representatives of providers in advance of this proposal. OPWDD expects that providers will be in compliance with the proposed requirements at the time of their effective date(s).

Regulatory Flexibility Analysis

1. Effect of the Rule:

a. This rule would not apply to local governments. This rule would only apply to OPWDD providers providing care coordination or crisis intervention services. As these are specialized services, there are less than 50 providers that perform these enhanced services.

2. Compliance Requirements:

These regulations do not require additional reporting requirements. Rather, any entities that provide care coordination or crisis intervention services will be required to follow OPWDD regulations.

3. Professional Services:

Local governments will not be impacted by this rule. For entities that provide care coordination or crisis intervention services they will not require additional professional services as they all already have compliance managers or staff tasked with following other OPWDD regulations.

4. Compliance Costs:

a. There will be no additional compliance costs.

5. Economic and Technological Feasibility:

The entities required to comply with this rule already have the technological capability to comply with this rule. Additionally, there are no additional costs for compliance.

6. Minimizing Adverse Impact:

There will be no adverse impact as a result of this rule because the rule applies to all providers of these services regardless of size. Furthermore, these requirements already apply to providers of other types of services under OPWDD's purview and thus this rule requires all providers to follow the same rules.

7. Small Business and Local Government Participation:

This rule does not have any impact on local governments. Small businesses will have an opportunity to comment during the comment period of the rule making process as well as various OPWDD stakeholder meetings where regulations are presented to providers for thoughts and comments.

8. Establishment or Modification of Penalties:

The rule does not modify or establish any new penalties.

9. Initial Review of the Rule:

OPWDD will again review the rule within the third calendar year after filing.

Rural Area Flexibility Analysis

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

The proposed regulation is amending Title 14 NYCRR Parts 619, 624, 625, 633 and repeals sections 635-5.1, 635-5.2, and 635-5.3. These amendments will make consistent changes to the regulations based on new authority issued to OPWDD by chapter 58 of the laws of 2020. The regulation will not result in an adverse impact on rural communities because the regulation only proposes technical terminology changes and changes to all those seeking operating certificates. The proposed regulation will not result in costs for regulated parties. These requirements coincide with existing federal requirements thus, no new compliance is required by the state. Therefore, the amendments will not have any adverse effects on providers in rural areas and local governments.

Job Impact Statement

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

The proposed regulation is amending Title 14 NYCRR Parts 619, 624, 625, 633 and repeals sections 635-5.1, 635-5.2, and 635-5.3. These amendments will make consistent changes to the regulations based on new authority issued to OPWDD by chapter 58 of the laws of 2020. The regulation will not result in new compliance requirements for providers. Additionally, the scope of the regulation is limited to those seeking operating certificates. The regulation will not have a substantial impact on jobs or employment opportunities in New York State.

Public Service Commission

NOTICE OF ADOPTION**Suspension of Interconnection Payment Deadlines**

I.D. No. PSC-16-20-00001-A

Filing Date: 2020-07-02

Effective Date: 2020-07-02

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

Action taken: On 7/2/20, the PSC adopted an order, adopting the emergency rule on a permanent basis, with modifications, suspending Interconnection payment deadlines.

Statutory authority: Public Service Law, sections 65(1), (2), (3), 66(1), (2), (3), (5), (8) and (10)

Subject: Suspension of Interconnection payment deadlines.

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

Substance of final rule: The Commission, on July 2, 2020, adopted an order adopting the emergency rule on a permanent basis, with modifications, suspending Interconnection payment deadlines. The deadline in the Standardized Interconnection Requirements for interconnection applicants to pay the final 75% of estimated interconnection costs to the interconnecting utility, contained in the tariffs of Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation (collectively, the Electric Utilities), is suspended through September 8, 2020. All interconnection applicants whose 75% interconnection cost payment deadlines are suspended pursuant to Ordering Clause 1 must make those payments by September 8, 2020. Any applicant who fails to make the required payment by that date shall be removed from the interconnecting utility's interconnection queue with no further action required of the utility. Until July 1, 2021, and notwithstanding any contrary requirements in the Standardized Interconnection Requirements, the Electric Utilities are directed to perform interconnection steps, including inspections and verification steps, through virtual technology or self-verification when doing so is possible, would not compromise the safety or reliability of the electric system, and complies with relevant requirements related to the Disaster Emergency. As described in the body of the order, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, and Rochester Gas and Electric Corporation shall each continue to follow the Community Credit reallocation process described in the Order Regarding Community Credit and Community Adder Allocations issued on March 19, 2020 in Case 15-E-0751, until the end of the second consecutive month after November 1, 2021, in which there have been no cancellations of projects in Tranches 1, 2, 3, or 4, or Community Credit Tranche 1 or 2, in that utility territory, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (20-E-0155SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Petition to Transfer Telephone and Cable Systems, Franchises and Assets

I.D. No. PSC-29-20-00007-P

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

Proposed Action: The Commission is considering a petition filed by Frontier Communications Corporation, et al. to transfer ownership of telephone and cable systems, franchises and assets.

Statutory authority: Public Service Law, sections 99(2) and 222

Subject: Petition to transfer telephone and cable systems, franchises and assets.

Purpose: Consider the proposed transfer of telephone and cable systems, franchises and assets.

Substance of proposed rule: The Public Service Commission is considering a petition filed on May 26, 2020 by Frontier Communications Corporation and its subsidiary New York operating companies Frontier Telephone of Rochester, Inc., Frontier Communications of Seneca-Gorham, Inc., Ogden Telephone Company, Frontier Communications of Sylvan Lake, Inc., Frontier Communications of New York, Inc., Citizens Telecommunications Company of New York, Inc., Frontier Communications of Ausable Valley, Inc., Frontier Communications of Rochester, Inc., and

Frontier Communications of America, Inc. (the "Petitioners"). The petition requests approval under Public Service Law (PSL) §§ 99 and 222 of a corporate restructuring involving the transfer certain telephone systems, cable systems, franchises and assets.

The proposed restructuring would effectuate the Petitioners' pre-arranged plan of reorganization under Chapter 11 of Title 11 of the United States Code.

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

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

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

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

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

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

(20-C-0267SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Modification to the Commission's Electric Safety Standards

I.D. No. PSC-29-20-00008-P

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

Proposed Action: The Commission is considering a petition filed by Consolidated Edison Company of New York, Inc. to modify the Electric Safety Standards definition of a "Finding" of stray voltage, to allow and approve an asset management plan and eliminate the metrics.

Statutory authority: Public Service Law, sections 2, 5, 65 and 66

Subject: Modification to the Commission's Electric Safety Standards.

Purpose: To consider revisions to the Commission's Electric Safety Standards.

Substance of proposed rule: The Commission is considering a petition filed by Consolidated Edison Company of New York, Inc. (Con Edison or the Company) on June 29, 2020, proposing revisions to the current Electric Safety Standards, which were first established on January 5, 2005 in Case 04-M-0159.

The Electric Safety Standards are intended to safeguard the public from exposure to stray voltage and to identify and eliminate potentially harmful conditions before serious safety hazards and/or reliability deficiencies develop. The Electric Safety Standards include: stray voltage testing of streetlights and electric facilities that are accessible to the public; inspection of utility electric facilities on a minimum of a five-year cycle; recordkeeping, certification, quality assurance and reporting requirements; and adoption of the National Electric Safety Code as the minimum standard governing utility construction, maintenance, and operations. The utilities are required to identify and record all voltage "findings" of 1.0 volt or more.

In its petition, Con Edison requests that the Commission: (1) revise the definition of a stray voltage "Finding" from a confirmed voltage reading greater than or equal to 1 volt measured using a volt meter with a 500 ohm shunt resistor to a confirmed voltage reading greater than or equal to 5 volts measured using a volt meter with a 15,000 ohm shunt resistor; (2) revise section 4(e) of the Safety Standards to provide that all electric facilities shall be inspected at least once every five years or, for underground facilities, as set forth in a utility's asset management plan; (3) approve Con Edison's company-specific underground inspection program; and (4) eliminate the Electric Safety Standards' performance mechanism, which provides for a negative revenue adjustment for failure to meet the requirements of the Electric Safety Standards. Con Edison proposes that the Commission implement a scorecard methodology to replace the performance mechanism. The proposed modifications, other than the Con Edison-specific underground inspection plan, would be applicable to all electric utilities subject to the Electric Safety Standards, unless otherwise determined by the Commission.

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

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

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

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

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

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

(04-M-0159SP11)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Niagara Mohawk Power Corporation d/b/a National Grid's Economic Development Programs

I.D. No. PSC-29-20-00009-P

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

Proposed Action: The Public Service Commission is considering proposed modifications to its economic development programs presented in the report filed by Niagara Mohawk Power Corporation d/b/a National Grid on October 31, 2019.

Statutory authority: Public Service Law, sections 4, 5 and 66

Subject: Niagara Mohawk Power Corporation d/b/a National Grid's economic development programs.

Purpose: To consider modifications to Niagara Mohawk Power Corporation d/b/a National Grid's economic development assistance programs.

Substance of proposed rule: The Public Service Commission is considering a proposal filed by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid or Company) requesting approval to modify eight of its electric and natural gas Economic Development Programs. National Grid filed the request in Cases 17-E-0238 and 17-G-0239 on October 31, 2019, as part of its Economic Development Grant Programs Annual Report.

The individual program proposals are as follows. First, for the Electrical Capital Investment Incentive, the Company proposes to add language to allow for the funding of feasibility studies to evaluate a new or expanded electric service, at levels up to \$50,000 per project. Second, for the Natural Gas Capital Incentive, the Company proposes to add eligibility language that would encourage customers to consider sustainable alternatives to traditional gas infrastructure upgrades and to invest in efficient, emerging natural gas technologies. Third, for the Sustainable Gas and Economic Development program, the Company proposes to raise the maximum grant amount to \$500,000 and lower the matching funds requirement to a 3:1 ratio. Fourth, for the Renewable Energy and Economic Development program, the Company proposes to lower the matching funds requirement from a 4:1 ratio to a 3:1 ratio. Fifth, for the Brownfield Redevelopment Assistance program, the Company proposes to clarify that eligible projects may include photovoltaic generation or other renewable energy development as one component of the viable end use strategy, but renewable energy development cannot represent the only potential end use for the eligible site or building. Sixth, for the Cleantech Incubation program, the Company proposes to raise the maximum grant allocation amount to no more than 20% of the total grant award. Seventh, for the electric and gas Manufacturing Productivity Programs, the Company proposes revisions to these two program descriptions to update the contact information provided for the six designated Regional Technology Development Centers with which the Company collaborates to deliver assistance to manufacturing customers. Eighth, for the Main Street Revitalization program, the Company proposes to update the language in the Program Summary and funding/eligibility guidelines to better reflect the current environment.

The full text of proposal and the full record of the proceeding may be

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

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

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

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

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

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

(17-E-0238SP10)

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

Petition for Waiver of the Requirements of Opinion No. 76-17 and 16 NYCRR Part 96 Regarding Individual Metering of Living Units

I.D. No. PSC-29-20-00011-P

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

Proposed Action: The Commission is considering the petition of Opportunities for Broome, Inc. for waiver of the individual metering requirements contained in Opinion No. 76-17 and 16 NYCRR Part 96.

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

Subject: Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units.

Purpose: To consider the petition of Opportunities for Broome, Inc for waiver of Opinion No. 76-17 and 16 NYCRR Part 96.

Substance of proposed rule: The Commission is considering the petition of Opportunities for Broome, Inc. (OFB) for waiver of the individual metering requirements contained in Opinion No. 76-17 and 16 NYCRR Part 96 for the City of Binghamton Supportive Housing Project, to the extent containing the properties located within the service territory of New York State Electric and Gas, Corporation (NYSEG) at 39-49 Munsell Street, 22 Way Street, 22 Moffatt Ave, and 4 Sturges Street in Binghamton, NY 13901.

The properties at issue contain 27 units of supportive housing for individuals and families that are both homeless and have experienced serious mental illness, substance use disorder, domestic violence, or meet other qualifying criteria. All units will provide supportive housing services.

By seeking authority to not submeter the individual living units, OFB requests authorization to take electric service from New York State Electric and Gas Corporation and unmetered electricity would be provided to tenants.

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

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

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

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

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

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

(20-E-0208SP1)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-29-20-00012-P

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

Proposed Action: The Commission is considering the notice of intent of 39 Columbia Street Assoc. LLC to submeter electricity at 39 Columbia Street, Albany, New York.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule: The Commission is considering the notice of intent, 39 Columbia Street Assoc. LLC on May 27, 2020, to submeter electricity at 39 Columbia Street, Albany, New York, Located in the Territory of Niagara Mohawk Power Corporation d/b/a National Grid.

In the notice of intent, 39 Columbia Street Assoc. request authorization to take electric service from National Grid and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(20-E-0247SP1)

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

Transfer of Street Lighting Facilities

I.D. No. PSC-29-20-00013-P

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

Proposed Action: The Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid for the transfer of certain street lighting facilities located in the City of Oneida, New York to the City of Oneida.

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

Subject: Transfer of street lighting facilities.

Purpose: To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on June 24, 2020 by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid or the Company), requesting authorization to transfer ownership of certain street lighting facilities installed throughout the City of Oneida (City) to the City.

The original cost of the facilities was approximately \$412,231 and the net book value, is \$205,073, as of February 29, 2020. The Company proposes to transfer the ownership of the street lighting facilities to the City for approximately \$209,748, which includes the net book value of the

assets and transition and transaction costs. National Grid explains that the agreement between it and the City provides that the purchase price will be adjusted (up or down) to reflect the actual net book value at the date of closing.

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

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

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

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

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

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

(20-E-0310SP1)

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

Transfer of Street Lighting Facilities

I.D. No. PSC-29-20-00014-P

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

Proposed Action: The Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid for the transfer of certain street lighting facilities located in the Town of Clifton Park, New York to the Town of Clifton Park.

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

Subject: Transfer of street lighting facilities.

Purpose: To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on June 29, 2020 by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid or the Company), requesting authorization to transfer ownership of certain street lighting facilities installed throughout the Town of Clifton Park (Town) to the Town.

The original cost of the facilities was approximately \$770,464 and the net book value is \$491,863, as of February 29, 2020. The Company proposes to transfer the ownership of the street lighting facilities to the Town for approximately \$500,405, which includes the net book value of the assets and transition and transaction costs. National Grid explains that the agreement between it and the Town provides that the purchase price will be adjusted (up or down) to reflect the actual net book value at the date of closing.

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

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

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

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

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

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

(20-E-0312SP1)

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

Transfer of Street Lighting Facilities

I.D. No. PSC-29-20-00015-P

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

Proposed Action: The Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid for the transfer of certain street lighting facilities located in the City of Glens Falls, New York to the City of Glens Falls.

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

Subject: Transfer of street lighting facilities.

Purpose: To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on June 29, 2020 by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid or the Company), requesting authorization to transfer ownership of certain street lighting facilities installed throughout the City of Glens Falls (City) to the City.

The original cost of the facilities was approximately \$1,040,165 and the net book value is \$656,389, as of February 29, 2020. The Company proposes to transfer the ownership of the street lighting facilities to the City for approximately \$663,295, which includes the net book value of the assets and transition and transaction costs. National Grid explains that the agreement between it and the City provides that the purchase price will be adjusted (up or down) to reflect the actual net book value at the date of closing.

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

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

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

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

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

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

(20-E-0311SP1)

State University of New York

**EMERGENCY/PROPOSED
RULE MAKING
NO HEARING(S) SCHEDULED**

Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees

I.D. No. SUN-29-20-00005-EP

Filing No. 421

Filing Date: 2020-07-07

Effective Date: 2020-07-07

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

Proposed Action: Amendment of Parts 302, 312, 341 and 604 of Title 8 NYCRR.

Statutory authority: Education Law, sections 355(2)(b) and 356(1)

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

Specific reasons underlying the finding of necessity: Amendment of these regulations needs to proceed on an emergency basis to postpone referendum voting on student activity fees, elections of State University of New York (SUNY) Student Assembly representatives, and Student Assembly officers from the spring 2020 semester to the fall 2020 semester to ensure that students who have departed from their campuses in the wake of campus closures due to the COVID-19 outbreak would retain the ability to participate in such voting. It would also allow for the Student Assembly officers to hold over their positions until the fall 2020 elections, which is necessary if the Assembly does not meet in spring 2020 and provides for continued leadership for the organization until such elections can occur.

Subject: Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees.

Purpose: To postpone voting on student activity fees and elections of Student Assembly representatives and officers until Fall 2020.

Text of emergency/proposed rule: Parts 302, 312, 604, and 341 of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York shall be amended to read as follows:

302.14(a) Referendum. Prior to the close of the academic year 2004-2005 and every two years thereafter, the student body (or such components thereof as may be designated by the chief administrative officer, or designee) at each State-operated campus shall determine by referendum whether student activity programs shall be supported by either voluntary or mandatory student fees. Such referendum shall be held on the same day as the annual elections for officers of the representative student organization or organizations (hereinafter referred to as "student government"); *provided, however that any such referendum scheduled to take place in the spring 2020 semester shall be held at a time and place as determined by the applicable student government leadership between the dates of September 8 and September 20, 2020 for each State-operated campus holding such a referendum, and such postponed referendum shall occur in conjunction with elections for officers of the student government to be held at such time. If a referendum held in the spring 2020 semester occurred prior to March 26, 2020, the results of such referendum shall remain in force and shall not be impacted by this postponement.* The determination resulting from each referendum shall remain in force for a period of two academic years, except that at any time and from time to time within such two-year period a subsequent referendum held in accordance with the constitution and by-laws of the student government may effect a change in this determination with respect to the following academic year.

302.14-a 2020 Campus student government elections. Any election for the selection of campus student government officers at state-operated institutions scheduled for the spring 2020 semester shall be postponed and shall be held at a time and place as determined by the applicable student government leadership between the dates of September 8 and September 20, 2020, and such election shall occur in conjunction with the referendum on student activity fees, if such referendum was to be held in the spring 2020 semester. Any representative serving in the spring 2020 semester from a campus that has postponed its election until the fall of 2020 shall remain in such position until the fall 2020 election; *provided that in the event such representative cannot fully execute all powers or responsibilities of the office, the campus government may create a process to ensure all duties or responsibilities are executed by another officer or officers, as designated by such student government. If such an election held in the spring 2020 semester occurred prior to March 26, 2020, the results of such election shall remain in force and shall not be impacted by this postponement.*

312.1(b) The association, or such organization as may be mutually agreed upon pursuant to subdivision (a) of this section in the case of multiple student governance organization, prior to October 1, 1975, or as soon thereafter as may be practicable, shall conduct an election and certify a successful candidate to the chairman of the college council. Such member-elect shall hold office from October 1, 1975. In each succeeding year, the election shall be conducted prior to July 1st and each elected member shall serve for one calendar year; *provided, however, that any such election scheduled for the spring 2020 semester shall be postponed and shall occur between the dates of September 8 and September 20, 2020 for each campus holding such an election. Any student member serving in the spring 2020 semester at a campus that has postponed its election until the fall of 2020 shall remain in such position until the fall 2020 election. If an election held in the spring 2020 semester occurred prior to March 26, 2020, the results of such election shall remain in force and shall not be impacted by this postponement.*

312.2(a) the time and place of such election; *provided, however, that any such election scheduled for the spring 2020 semester shall be postponed and shall occur between the dates of September 8 and September 20, 2020 for each campus holding such an election. If an election held in the spring 2020 semester occurred prior to March 26, 2020, the results*

of such election shall remain in force and shall not be impacted by this postponement;

312.2(b) the eligibility of electors, except that eligibility shall not be limited to undergraduate students or full-time students only, *provided, however, that any student members serving in the spring 2020 semester at a campus that has postponed its election until the fall of 2020 shall remain in such positions until the fall 2020 election notwithstanding failure to meet eligibility requirements.*

312.2(g) the manner in which an elected student member may be removed and the manner in which a vacancy in the term of an elected student member shall be filled if such student member is unable or unwilling to serve for the remainder of such term.

604.4(a)(2) The association, or such organization as may be mutually agreed upon pursuant to this subdivision in the case of multiple student governance organizations shall conduct an annual election and certify a successful candidate to the chairman of the board of trustees. Such member-elect shall hold office from July 1st through June 30th. The election shall be conducted prior to July 1st and each elected member shall serve for one calendar year; *provided, however, that any such election scheduled for the spring 2020 semester shall be postponed and shall occur between the dates of September 8 and September 20, 2020 for each campus holding such an election. Any student member serving in the spring 2020 semester at a campus that has postponed its election until the fall of 2020 shall remain in such position until the fall 2020 election. If an election held in the spring 2020 semester occurred prior to March 26, 2020, the results of such election shall remain in force and shall not be impacted by this postponement.* Campus procedures shall be followed to fill the student trustee position should a vacancy occur.

604.4(b)(1) the time and place of such election; *provided, however, that any such election scheduled for the spring 2020 semester shall be postponed and shall occur between the dates of September 8 and September 20, 2020 for each campus holding such an election. If an election held in the spring 2020 semester occurred prior to March 26, 2020, the results of such election shall remain in force and shall not be impacted by this postponement;*

604.4(b)(3) the manner of qualifying as a candidate for election, except that in the event that a student member ceases to be a student at the institution, he shall be required to resign, *provided, however, that any student members serving in the spring 2020 semester at a campus that has postponed its election until the fall of 2020 shall remain in such positions until the fall 2020 election notwithstanding failure to meet eligibility requirements;*

604.4(b)(7) the manner in which an elected student member may be removed and the manner in which a vacancy in the term of an elected student member shall be filled if such student member is unable or unwilling to serve for the remainder of such term.

341.5(b) The first representative of each member institution shall be that institution's student government president. Additional representatives from member institutions, which exceed the 4,000 FTE base enrollment, shall be duly elected annually from among and by the students of that institution through a campus-wide election in accordance with procedures promulgated by the campus student government body; *provided, however, that any such election scheduled for the spring 2020 semester shall be postponed and shall occur between the dates of September 8 and September 20, 2020 for each campus holding such an election. Any representative or officer serving in the spring 2020 semester from a campus that has postponed its election until the fall of 2020 shall remain in such position until the fall 2020 election. If an election held in the spring 2020 semester occurred prior to March 26, 2020, the results of such election shall remain in force and shall not be impacted by this postponement.* In the case of the statutory colleges, representatives must be statutory college students elected in accordance with procedures promulgated by the campus' student government body.

341.11 Election of officers. Officers shall be elected by the members of the student assembly at its annual business meeting; *provided, however, that any such election scheduled for the annual business meeting occurring during the spring 2020 semester shall be postponed and shall occur between the dates of September 8 and September 30, 2020, and, notwithstanding the provisions of sections 341.12 and 341.13 of this part, any officers serving in the spring 2020 semester shall remain in such positions until such election.* To stand for election as an officer, an individual must be eligible to serve as a representative from the institution, must have at least a 2.5 cumulative GPA, must be enrolled at a State University of New York campus and be nominated by a representative.

341.12 Eligibility to serve. In order to continue to serve as an officer, an individual must maintain eligibility to stand for election, in accordance with section 341.7 of this Part, must maintain a 2.25 cumulative GPA or higher, and must be enrolled at a State University of New York campus, *provided, however, that any officers serving in the spring 2020 semester shall remain in such positions until the fall 2020 election notwithstanding*

failure to meet eligibility requirements. For the purposes of this section, eligibility to continue in service shall be determined at the end of each semester. Once eligibility is lost, it cannot be regained by transfer to a new institution.

341.13 Terms of office. Officers shall hold office for one year or until their successors are installed. This one-year term shall be from June 1st of the election year to May 31st of the following year; *provided, however, that any officers serving in the spring 2020 semester shall remain in such positions until the fall 2020 election.* Officers may serve no more than two terms per each office contingent upon the person's continued eligibility to serve as a member of the student assembly.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire September 4, 2020.

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

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, Sections 355(2)(b) and 356(1). Section 355(2)(b) authorizes the State University Trustees to make and amend rules and regulations for the overall governance of the State University and institutions therein. Section 356(1) authorizes the State University Trustees to establish guidelines for the election of student members to college councils.

2. Legislative Objectives: The Legislature authorized the State University Trustees to make and to amend as necessary, rules and regulations, not inconsistent with law, for the government of the State University of the New York and the institutions comprising the SUNY System. By using this authority to require SUNY State-operated campuses to alter spring 2020 campus elections, the present measure is in accord with the public policy objectives of encouraging full-scale participation in campus student governance.

3. Needs and Benefits: The global public health crisis surrounding the COVID-19 disease outbreak has resulted in higher education institutions across the world suspending on-campus academic and residential activities to combat the spread of the virus. The directives of Governor Andrew M. Cuomo and the guidance of SUNY leadership have prioritized the health and safety of SUNY students and employees at campuses across the SUNY System by reducing instances where individuals may be at an increased risk for contracting the virus in residential or social settings. By reducing such opportunities for contact, campuses have shifted to online learning modules in lieu of traditional residential academic opportunities. Since students are away from their home campuses during the spring 2020 semester, students should retain the opportunity to participate in representative elections for student governance upon their return to campus.

4. Costs: No additional direct costs to the State.

5. Local Government Mandates: This action mandates that community colleges alter their procedures for selecting student members to community college boards of trustees in the spring 2020 elections, if such elections have not yet occurred.

6. Paperwork: No parties will experience any new reporting responsibilities.

7. Duplication: None.

8. Alternatives: No significant alternative proposals were considered.

9. Federal Standards: None.

10. Compliance Schedule: It is anticipated that SUNY State-operated campuses will be able to come into compliance with this rule immediately upon enactment.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is submitted with this notice because the proposed rule 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.

Rural Area Flexibility Analysis

No rural area flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on rural areas. The rule will not impose any adverse economic impact on rural areas or impose any reporting, recordkeeping, professional services or other compliance requirements on rural areas.

Job Impact Statement

No job impact statement is submitted with this notice because the proposed rule does not impose any adverse economic impact on existing jobs,

employment opportunities, or self-employment. This regulation governs Student Assembly Elections, Student Assembly Officers, Campus Government Elections, and Student Activity Fees for State University of New York and will not have any adverse impact on the number of jobs or employment.

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

State Basic Financial Assistance for the Operating Expenses of Community Colleges Under the Program of SUNY and CUNY

I.D. No. SUN-29-20-00004-EP

Filing No. 420

Filing Date: 2020-07-07

Effective Date: 2020-07-07

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

Proposed Action: Amendment of sections 602.8(c) and 602.13 of Title 8 NYCRR.

Statutory authority: Education Law, sections 355(1)(c), 6304(1)(b); L. 2020, ch. 53

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

Specific reasons underlying the finding of necessity: The State University of New York finds that immediate adoption of amendments to the Code of Standards and Procedures for the Administration and Operation of Community Colleges (the Code) is necessary for the preservation of the general welfare and that compliance with the requirements of subdivision 1 Section 202 of the State Administrative Procedures Act ("SAPA") would be contrary to the public interest.

Chapter 53 of the Laws of 2020 (the "Aid to Localities Budget Bill") requires amendments to the existing funding formula for State financial assistance for operating expenses of community colleges of the State and City Universities of New York. The amended funding formula is to be developed jointly with the City University of New York, subject to the approval of the Director of the Budget. The Aid to Localities Budget Bill also eliminates the 2019/20 "floor" for Direct State Tax support and returns the state support model to one based on volume, and holds the per full-time equivalent funding at \$2,947.

Amendments to the Code on an emergency basis for the 2020-2021 fiscal year are necessary to:

1. provide timely State operating assistance to public community colleges of the State and City Universities of New York; and to

2. obtain the necessary revenue to maintain essential staffing levels, program quality, and accessibility.

Compliance with the provision of subdivision 1 of Section 202(6) of SAPA would be contrary to the public interest. The requirements of subdivision (1) of Section 202(6) of SAPA would not allow implementation of the State fiscal assistance provided in the Aid to Localities Budget Bill in time for the 2020-2021 community college fiscal year.

Subject: State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY.

Purpose: To modify limitations formula for basic State financial assistance and remove an operating support "floor".

Text of emergency/proposed rule: Sections 602.8(c) and 602.13 of said Title 8 are amended to read as follows, subject to the approval of the Director of the Budget:

Section 602.8(c)

(c) Basic State financial assistance.

(1) Full opportunity colleges. The basic State financial assistance for community colleges, implementing approved full opportunity programs, shall be the lowest of the following:

(i) two-fifths (40%) of the net operating budget of the college, or campus of a multiple campus college, as approved by the State University trustees;

(ii) two-fifths (40%) of the net operating costs of the college, or campus of a multiple campus college; or

(iii) for the current college fiscal year the total of the following:

(a) the [greater] *lesser* of:

(1) the budgeted or actual number (whichever is less) of full-time equivalent students enrolled in programs eligible for State financial assistance multiplied by \$2,947; or

(2) [98 percent of the amount of basic State financial assistance for community colleges approved by the State University of New

York Trustees for the 2018/19 academic year] *the budgeted or actual number (whichever is less) of full-time equivalent students enrolled in programs eligible for State financial assistance multiplied by the \$2,947 amount as adjusted by actions taken by the Director of the State Budget in accordance with the additional authority granted by Chapter 53 of the Laws of 2020. Notwithstanding the preceding, if, following discussion and agreement between the chancellor of the state university of New York, or designee, and the director of the state budget, reductions in funding executed pursuant to Chapter 53 of the Laws of 2020 may be allocated to colleges in an alternative methodology that is in the best interest of the colleges operating under the program of the State University of New York and the SUNY system, then the chancellor may present a plan to do so to the board of trustees for approval and such plan will be used to provide available funding to colleges; and*

(b) up to one half (50 percent) of rental costs for physical space.

(2) Non-full opportunity colleges. The basic State financial assistance for community colleges not implementing approved full opportunity programs shall be the lowest of the following:

(i) one third (33 percent) of the net operating budget of the college, or campus of a multiple campus college, as approved by the State University trustees;

(ii) one third (33 percent) of the net operating costs of the college, or campus of a multiple campus college; or

(iii) for the college fiscal year current, the total of the following:

(a) the [greater] lesser of:

(1) the budgeted or actual number (whichever is less) of full-time equivalent students enrolled in programs eligible for State financial assistance multiplied by \$2,457; or

(2) [98 percent of the amount of basic State financial assistance for community colleges approved by the State University of New York Trustees for the 2018/19 academic year] *the budgeted or actual number (whichever is less) of full-time equivalent students enrolled in programs eligible for State financial assistance multiplied by the \$2,457 amount as adjusted by actions taken by the Director of the State Budget in accordance with the additional authority granted by Chapter 53 of the Laws of 2020. Notwithstanding the preceding, if, following discussion and agreement between the chancellor of the state university of New York, or designee, and the director of the state budget, reductions in funding executed pursuant to Chapter 53 of the Laws of 2020 may be allocated to colleges in an alternative manner that is in the best interest of the colleges operating under the program of the State University of New York and the SUNY system, then the chancellor may present a plan to do so to the board of trustees for approval and such plan will be used to provide available funding to colleges; and*

(b) up to one half (50 percent) of rental cost for physical space.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this subdivision, a community college or a new campus of a multiple campus community college in the process of formation shall be eligible for basic State financial assistance in the amount of one-third of the net operating budget or one-third of the net operating costs, whichever is the lesser, for those colleges not implementing an approved full opportunity program plan, or two-fifths of the net operating budget or two-fifths of the net operating costs, whichever is the lesser, for those colleges implementing an approved full opportunity program, during the organization year and the first two fiscal years in which students are enrolled.

Section 602.13

(a) Pursuant to section 30 of the General Municipal Law, the annual financial report shall be certified by the chief fiscal officer of the college and shall be filed with the State Comptroller within 60 days after the close of the college fiscal year. The chief fiscal officer is the college treasurer for purposes of this certification.

(b) The annual financial report shall be in compliance with article 126 of the Education Law, this Subchapter, and the manual for community college business offices, and on the forms and in accordance with instructions promulgated by the State Comptroller.

(c) The State University of New York, which shall also receive copies of the annual financial report, shall review the annual financial report for the purpose of the initial determination of the State liability.

(d) Any overpayment in State financial assistance for operating costs, as determined in the review of the annual financial report, shall be deducted from the second quarterly advance payment of State aid for the succeeding college fiscal year provided, however, that [in no case shall the amount of basic State financial assistance for operating costs received in the 2019/20 academic year be less than 98 percent of the amount of basic State financial assistance for operating costs approved by the State University Board of Trustees for the 2018/19 academic year] *such adjustments shall be made in accordance with the availability, or lack thereof, of funding provided by the State of New York following any execution of the Director of the Budget's additional powers as provided by Chapter 53 of the Laws of 2020.*

(e) Any underpayment in State financial assistance for operating costs, as determined in the review of the annual financial report, shall be processed in accordance with sections 602.3 and 602.9 of this Part.

(f) The college shall be subject to audit by the Office of the State Comptroller for the purpose of the final determination of the State liability.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire October 4, 2020.

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

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

This is a technical amendment to implement the provisions of the Chapter 53 of the Laws of 2020 (the "Aid to Localities Budget Bill"). The amendment provides for the provision of State financial assistance for operating expenses of community colleges operating under the program of the State University of New York and the City University of New York.

Regulatory Flexibility Analysis

This is a technical amendment to implement the provisions of the 2020-2021 Budget Bill. The amendment provides for the provision of State financial assistance for operating expenses of community colleges operating under the program of the State University of New York and the City University of New York. It will have no impact on small businesses and local governments.

Rural Area Flexibility Analysis

This is a technical amendment to implement the provisions of the 2020-2021 Budget Bill. The amendment provides for the provision of State financial assistance for operating expenses of community colleges operating under the program of the State University of New York and the City University of New York. This rule making will have no impact on rural areas or the recordkeeping or other compliance requirements on public or private entities in rural areas.

Job Impact Statement

No job impact statement is submitted with this notice because the adoption of this rule does not impose any adverse economic impact on existing jobs, employment opportunities, or self-employment. This rule making governs the financing of community colleges operating under the program of the State University and will not have any adverse impact on the number of jobs or employment opportunities in the state.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Housing and Community Renewal, Division of		
HCR-26-20-00012-P	Schedule of Reasonable Costs for Major Capital Improvements in Rent Regulated Housing Accommodations	641 Lexington Ave., New York, NY— September 9, 2020, 10:00 a.m. Note: hearing may be canceled, re-scheduled or conducted remotely due to COVID-19. Notice of any change shall be provided on the agency’s website.
Lake George Park Commission		
LGP-29-20-00006-P	Amendment of Stormwater Regulations Within the Lake George Park	Fort William Henry, 48 Canada St., Lake George, NY—September 22, 2020, 4:00 p.m.
Long Island Power Authority		
LPA-28-20-00033-EP	LIPA’s Late Payment Charges, Reconnection Charges, and Low-income Customer Discount Enrollment	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—September 14, 2020, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY— September 14, 2020, 2:00 p.m.
Public Service Commission		
PSC-23-20-00008-P	Disposition of sales tax refund and other related matters	Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY— August 11, 2020 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)* *On occasion, it is necessary or appropriate to reschedule or postpone hearing dates. In such an event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 20-M-0134.

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	0001	P

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
AGING, OFFICE FOR THE			
AGE-34-19-00014-P	10/05/20	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.
AAM-21-20-00002-P	05/27/21	Milk and Milk Products	To incorporate federal requirements applicable to the processing and manufacture of milk and milk products
AAM-27-20-00001-EP	07/08/21	Spotted Lanternfly ("SL")	To prevent SL-infested articles originating in specific counties in NJ, PA, MD, VA and WV from entering NYS

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF			
ASA-19-20-00001-P	05/13/21	General service standards applicable to outpatient substance use disorder programs	To set-forth the minimum regulatory requirements for certified outpatient substance use disorder treatment programs.
ASA-28-20-00013-P	07/15/21	Patient Rights	To set-forth the minimum regulatory requirements for patient rights in OASAS certified, funded or otherwise authorized programs
ASA-28-20-00014-P	07/15/21	Specialized Services	To replace the term "chemical dependence" with "addiction"
ASA-28-20-00016-P	07/15/21	Designated Services	To set-forth the minimum regulatory requirements for certified programs to seek an Office designation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
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-24-20-00001-EP	06/17/21	Medical reviews for child placement	To modernize the requirements for medical reviews so that required standards not act as a barrier for child placement
CFS-24-20-00014-EP	06/17/21	To implement and enforce emergency health guidance as put forward by the Executive Chamber and DOH.	To implement and enforce emergency health guidance as put forward by the Executive Chamber and DOH.
CIVIL SERVICE, DEPARTMENT OF			
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
CIVIL SERVICE, DEPARTMENT OF			
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
CIVIL SERVICE, DEPARTMENT OF			
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
CVS-18-20-00004-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-18-20-00005-P	05/06/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-20-00006-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00007-P	05/06/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-18-20-00008-P	05/06/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-18-20-00009-P	05/06/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-20-00010-P	05/06/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-24-20-00002-P	06/17/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-24-20-00003-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00004-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00005-P	06/17/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-24-20-00006-P	06/17/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-24-20-00007-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00008-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00009-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00010-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-28-20-00004-P	07/15/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-28-20-00005-P	07/15/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00006-P	07/15/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00007-P	07/15/21	Jurisdictional Classification	To delete a position from the exempt class
CVS-28-20-00008-P	07/15/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00009-P	07/15/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-28-20-00010-P	07/15/21	Jurisdictional Classification	To classify positions in the non-competitive class.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-28-20-00011-P	07/15/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00012-P	07/15/21	Jurisdictional Classification	To classify positions in the non-competitive class
CORRECTION, STATE COMMISSION OF			
CMC-35-19-00002-P	08/27/20	Disciplinary and administrative segregation of inmates in special housing.	Prohibit the segregation of vulnerable inmates, and to standardize allowable uses and duration of special housing segregation.
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
*CCS-21-19-00014-P	09/05/20	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
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-30-19-00010-ERP	10/05/20	Use of Force	Set forth use of force reporting and recordkeeping procedures
CJS-19-20-00010-P	05/13/21	Part 364 - Conditional release conditions.	Conform to the recent changes made by the Legislature by removing the term "gravity knife".
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-09-20-00007-RP	03/04/21	Minority and Women-Owned Business Enterprise Program	Update the regulations of the Division of Minority and Women's Business Development
EDUCATION DEPARTMENT			
*EDU-17-19-00008-P	10/05/20	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	10/05/20	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-52-19-00007-ERP	12/23/20	Update Provisions Relating to Pupil Transportation	To update provisions of the Commissioner's Regulations relating to pupil transportation
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-11-20-00013-P	03/23/21	Special Education Impartial Hearing Officers and the Special Education Due Process System Procedures	To address volume of special education due process complaints in the New York City due process system
EDU-11-20-00014-P	03/18/21	Local Government Records Management	To issue a new records retention and disposition schedule LGS-1

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-11-20-00015-EP	03/18/21	Military Ballots for School District and School District Public Library Elections, Budget, and Referenda	To implement chapter 489 of the Laws of 2019 which added section 2018-d to the Education Law
EDU-11-20-00016-P	03/18/21	Eligibility Requirements for Loan Forgiveness and Grant Programs	Conforms Commissioner's regulations to the DREAM Act relating to student's eligibility for loan forgiveness and grant programs
EDU-16-20-00002-ERP	04/22/21	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-20-20-00008-ERP	05/20/21	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-25-20-00004-P	06/24/21	Alternative High School Equivalency Preparation and Alternative Transition Programs	To provide expanded access to and update Alternative High School Equivalency Preparation and Alternative Transition Programs
EDU-25-20-00005-EP	06/24/21	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-25-20-00006-EP	06/24/21	Licensing Examinations in the Profession of Public Accountancy	Conform the Commissioner's Regulations to the national licensing examination standards in public accountancy
EDU-25-20-00007-EP	06/24/21	Professional Student of Nursing	To implement Chapter 502 of the Laws of 2017 and Chapter 380 of the Laws of 2018
EDU-25-20-00008-EP	06/24/21	Eligibility for Participation of Students With Section 504 or ADA Plans in Interschool Competition and Inclusive Athletics	To clarify the eligibility requirements for participation of students with section 504 or ADA plans in interschool competition
ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE			
ERD-19-20-00012-P	05/13/21	CO2 Allowance Auction Program	Continued administration and implementation of the CO2 allowance auctions and programs under Part 507
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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	10/05/20	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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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-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.
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.
ENV-15-20-00015-EP	04/15/21	Regulations governing commercial and recreational fishing for striped bass.	To amend 6 NYCRR Parts 10 and 40 pertaining to commercial and recreational regulations for striped bass.
ENV-17-20-00005-P	04/29/21	The above referenced Parts make up the Department's air pollution control permitting program.	The purpose of this rulemaking is to improve the clarity and consistency of the Department's air pollution permitting program
ENV-17-20-00006-P	04/29/21	Emission Statements	The purpose of this rule making is to require electronic submittal of annual emission statements beginning in 2022.
ENV-17-20-00007-P	04/29/21	CO2 Budget trading program	To lower the emissions cap established under Part 242.
ENV-21-20-00003-EP	05/27/21	Regulations governing the recreational harvest of bluefish	To revise regulations concerning the recreational harvest of bluefish in New York State
ENV-22-20-00003-P	06/03/21	Amendments to New York State migratory game bird hunting regulations	To bring New York State migratory game bird hunting regulations into compliance with Federal Code of Regulations
ENV-22-20-00004-P	06/03/21	Amendments to New York State mink, muskrat, and beaver trapping season dates	To align existing mink, muskrat and beaver trapping season start dates and adjust the seasons to trapper-preferred dates

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	..... exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	..... exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-33-19-00004-P	..... 10/05/20	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 Surpsise Bills	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided
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.
DFS-24-20-00015-EP	..... 06/17/21	Paid Family Leave COVID-19 Risk Adjustment Mechanism	Establishment of a risk adjustment mechanism as required by Chapter 25 of the Laws of 2020
DFS-27-20-00002-P	..... 07/08/21	Mental Health and Substance Use Disorder Treatment Parity Compliance Program	To establish mental health and substance use disorder parity compliance program requirements
GAMING COMMISSION, NEW YORK STATE			
SGC-22-20-00008-P	..... 06/03/21	Permit harness horses to race without qualifying in extraordinary circumstances	To enhance harness racing in New York and promote a reasonable return for government
SGC-22-20-00009-P	..... 06/03/21	Technical changes to correct cross-references in the regulations	To correct cross-references in the regulations
GENERAL SERVICES, OFFICE OF			
GNS-40-19-00005-P	..... 10/01/20	Facility Use	To add “plastic knuckles” and remove “gravity knife” from the definition of “deadly weapon”
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	..... exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-30-19-00006-RP	..... 10/05/20	Maximum Contaminant Levels (MCLs)	Incorporating MCLs for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS) and 1,4-dioxane.
HLT-36-19-00006-P	..... 10/05/20	Limits on Executive Compensation	Removes “Soft Cap” prohibition on covered executive salaries.
HLT-40-19-00004-P	..... 10/05/20	Drug Take Back	To implement the State’s drug take back program to provide for the safe disposal of drugs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
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
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-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
HLT-27-20-00005-P	07/08/21	Private Duty Nursing Services to Medically Fragile Children	To amend the Medicaid reimbursement for fee-for-service private duty nursing provided to medically fragile children
HLT-27-20-00006-P	07/08/21	Medicaid Managed Care State Fair Hearings and External Appeals Processes and Standards	To address & clarify rules of procedure & presentation of evidence for Medicaid managed care fair hearings & external appeals
HLT-27-20-00007-P	07/08/21	Development of Mental Health and Substance Use Disorder Parity Compliance Programs	To establish standards for a mental health and substance use disorder parity compliance program
HLT-28-20-00019-P	07/15/21	Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP)	To implement a revised assessment process and eligibility criteria for PCS and CDPAP

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
*HCR-21-19-00019-P	10/05/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of flow-income housing tax credits.
HCR-26-20-00012-EP	09/09/21	Schedule of Reasonable Costs for Major Capital Improvements in rent regulated housing accommodations	Provide a schedule of reasonable costs for Major Capital Improvements in rent regulated housing accommodations
HOUSING FINANCE AGENCY			
*HFA-21-19-00020-P	10/05/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits
HUDSON RIVER PARK TRUST			
HPT-19-20-00011-P	05/13/21	Amendment of rules and regulations for Hudson River Park	To create a new penalty schedule for the enforcement of violations of Park rules
JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
JPE-28-20-00031-P	07/15/21	Source of funding reporting	Clarifying amendments to Source of Funding reporting
JPE-28-20-00032-P	07/15/21	Amendments to the lobbying regulations	To clarify the lobbying regulations that implement the provisions of the Lobbying Act
LABOR, DEPARTMENT OF			
LAB-46-19-00004-P	11/12/20	NY State Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards
LAKE GEORGE PARK COMMISSION			
LGP-29-20-00006-P	09/22/21	Amendment of Stormwater Regulations within the Lake George Park	To more adequately control and minimize the pollutants found in stormwater runoff from going into Lake George
LAW, DEPARTMENT OF			
LAW-15-20-00017-P	04/15/21	investment advisers defined under GBL § 359-eee	Harmonize regulations with federal law and national standards and facilitate anti-fraud activities and modernize registration.
LAW-15-20-00018-P	04/15/21	Brokers, dealers and salespersons defined under GBL § 359-e	Harmonize regulations with federal law and national standards and facilitate anti-fraud activities and modernize registration.
LAW-18-20-00002-P	05/06/21	Designation of a Privacy Officer	Removal of a named Privacy Officer., along with their contact information
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-41-02-00005-P	..... exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	..... exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	..... exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	..... exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	..... exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	..... exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	..... exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
LPA-09-20-00010-P	..... exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
LPA-28-20-00033-EP	..... exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
LONG ISLAND RAILROAD COMPANY			
LIR-20-20-00005-EP	..... 05/20/21	The conduct and safety of the public in the use of terminals, stations, and trains operated by The Long Island Railroad Company	To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminals and stations
MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY			
MBA-20-20-00002-EP	..... 05/20/21	The conduct and safety of the public in the use of facilities and conveyances operated by the MaBSTOA	To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of the transit system
MEDICAID INSPECTOR GENERAL, OFFICE OF			
MED-28-20-00029-P	..... 07/15/21	Monetary Penalties	To amend regulations governing the imposition of monetary penalties under the Medicaid program
MENTAL HEALTH, OFFICE OF			
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.
OMH-18-20-00003-P	..... 05/06/21	Clinic Treatment Plans	To provide more flexibility in the development and execution of an individual's treatment plan

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
METRO-NORTH COMMUTER RAILROAD			
MCR-20-20-00004-EP	05/20/21	The conduct and safety of the public in the use of terminal, stations, and trains operated by Metro-North Commuter Railroad	To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminal and stations
METROPOLITAN TRANSPORTATION AGENCY			
*MTA-23-19-00006-ERP	09/02/20	Debarment of contractors	To comply with Public Authorities Law, section 1279-h, which requires the MTA to establish a debarment process for contractors
MOTOR VEHICLES, DEPARTMENT OF			
MTV-28-20-00001-P	07/15/21	Limited Use Vehicles - Equipment	Removes an obsolete, unnecessary requirement for seat height on 2 and 3 wheeled limited use motorcycles
MTV-28-20-00002-P	07/15/21	Safety Criteria for Registration - Motorcycles	removes an obsolete, unnecessary requirement for seat height on motorcycles
MTV-28-20-00030-P	07/15/21	Dealer and transporters -procedures used for certificates of sale	makes minor technical change removing an obsolete reference and conforms regulation with federal regulation
NEW YORK CITY TRANSIT AUTHORITY			
NTA-20-20-00001-EP	05/20/21	The conduct and safety of the public in the use of facilities and conveyances operated by New York City Transit Authority	To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of tge transit system
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
*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
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-23-20-00005-EP	06/10/21	face coverings, social distancing and dispersal of groups not from the same household or family unit	To encourage patrons to wear face coverings or stay six feet away from other patrons and not congregate in groups at parks

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-29-20-00001-P	07/22/21	Listing of state parks, parkways, recreation facilities and historic sites (facilities). New York City Region	To update the listing of state parks, parkways, recreation facilities and historic sites in the New York City Region
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-29-20-00002-EP	07/22/21	Operating Certificates	Outlines the required operating certificates for providers who intend to provide care coordination and crisis intervention
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement

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PUBLIC SERVICE COMMISSION			
*PSC-14-04-00008-P exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer

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PUBLIC SERVICE COMMISSION			
*PSC-14-05-00006-P exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts

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PUBLIC SERVICE COMMISSION			
*PSC-24-06-00005-EP exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity

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PUBLIC SERVICE COMMISSION			
*PSC-24-07-00012-P exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs

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PUBLIC SERVICE COMMISSION			
*PSC-25-08-00008-P exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge

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PUBLIC SERVICE COMMISSION			
*PSC-51-08-00006-P exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified

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PUBLIC SERVICE COMMISSION			
*PSC-16-09-00010-P exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with 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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tarified definition of emergency generator.	To consider waiver of RG&E's tarified definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/ Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspurity for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-47-18-00008-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
*PSC-01-19-00004-P	..... exempt	Advanced Metering Infrastructure.	To determine whether Niagara Mohawk Power Corporation d/b/a National Grid should implement advanced metering infrastructure.
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-19-19-00014-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 124 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 124 MW electric generating facility.
*PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-34-19-00015-P	..... exempt	Major electric rate filing.	To consider a proposed increase in RG&E's electric delivery revenues of approximately \$31.7 million (or 4.1% in total revenues).
PSC-34-19-00016-P	..... exempt	Major gas rate filing.	To consider a proposed increase in RG&E's gas delivery revenues of approximately \$5.8 million (or 1.4% in total revenues).
PSC-34-19-00018-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-36-19-00011-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-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-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-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-45-19-00012-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
PSC-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-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-03-20-00009-P	..... exempt	Changes to the Utility Energy Registry	To determine appropriate rules for data availability
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-05-20-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-06-20-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-06-20-00014-P	..... exempt	A program for the procurement of Renewable Energy Certificates from existing renewable resources.	To purchase Renewable Energy Certificates and maintain the State's baseline of existing renewable resources.
PSC-06-20-00016-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-07-20-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-07-20-00010-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
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-09-20-00002-P	..... exempt	Request for waiver of 16 NYCRR 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-09-20-00003-P	..... exempt	Proposed transfer of the Company's assets to the Town and dissolution of the Company.	To determine if transfer of the water system to the Town of North Greenbush is in the public interest.
PSC-09-20-00004-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-09-20-00005-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-09-20-00006-P	..... exempt	Petition for the use of an electric meter in submetering applications.	Whether to permit the use of the GG electric meter in submetering applications in New York State.
PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
PSC-10-20-00005-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-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-11-20-00011-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-12-20-00008-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-12-20-00010-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
PUBLIC SERVICE COMMISSION			
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-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-13-20-00008-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Village of Lancaster.
PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
PSC-15-20-00012-P	..... exempt	Tariff filing.	To ensure that the utility provides safe, adequate, and reliable service at just and reasonable rates.
PSC-15-20-00013-P	..... exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.
PSC-15-20-00014-P	..... exempt	Tariff filing.	To ensure that the utility provides safe, adequate, and reliable service at just and reasonable rates.
PSC-16-20-00003-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
PSC-16-20-00005-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00006-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00007-P	..... exempt	Proposed plan to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00008-P	..... exempt	Extension of the ESA between New York State Electric & Gas Corporation and Nucor Steel Auburn, Inc.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preference.
PSC-16-20-00009-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-16-20-00010-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Town of Clifton Park.
PSC-16-20-00011-P	..... exempt	Proposal to implement a competitive procurement process for participation in multi-year DLM and auto-DLM programs.	To establish a multi-year and auto-DLM programs that will improve demand response program offerings.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-17-20-00008-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Alpha Gas & Electric, LLC should be permitted to offer its Green Gas Program to mass market customers.
PSC-17-20-00009-P	..... exempt	Proposed filing to provide credits for AMI non-residential customer sided meters.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-17-20-00010-P	..... exempt	Tariff provisions for Non-Firm Demand Response service classes.	To consider appropriate tariff provisions for non-compliant Non-Firm Demand Response service customers.
PSC-17-20-00011-P	..... exempt	Tariff provisions for Non-Firm Demand Response service classes.	To consider appropriate tariff provisions for non-compliant Non-Firm Demand Response service customers.
PSC-17-20-00012-P	..... exempt	Tariff provisions for Interruptible and Off-Peak Firm Service Gas Customers.	To consider appropriate tariff provisions for non-compliant Interruptible and Off-Peak Firm Gas Customers.
PSC-18-20-00001-EP	..... exempt	Extension of time for gas companies to complete baseline atmospheric corrosion inspections and leakage surveys.	To protect utility workers and customers from virus exposure during the COVID-19 pandemic.
PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
PSC-18-20-00013-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Village of Clyde.
PSC-18-20-00014-P	..... exempt	Tariff modifications to reduce customer costs related to relocating customer owned equipment for back-lot service relocations.	To facilitate the relocation of service lines owned by customers from the back of their lots to the front.
PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
PSC-19-20-00003-P	..... exempt	Continued implementation of the Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.
PSC-19-20-00006-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-19-20-00007-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-19-20-00008-P	..... exempt	Review of CECPN ownership transfer and related assets among CHPE, Inc., CHPE Properties, Inc., and CHPE, LLC	To consider the transfer of the CECPN and assets related to the Champlain Hudson Power Express Project.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.
PSC-21-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Kiwi Energy NY LLC should be permitted to offer its Green Gas Products to mass market customers.
PSC-21-20-00006-P	..... exempt	Transfer of street lighting facilities.	To consider the transfer of street lighting facilities to the Village of Dryden.
PSC-21-20-00007-P	..... exempt	The methodology for the calculation of reactive power demand.	To revise the methodology for the calculation of reactive power demand.
PSC-21-20-00008-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-21-20-00009-P	..... exempt	Consideration of the NFG petition to modify Audit Implementation Plans.	To consider if modifying the Audit Implementation Plans are in the public interest.
PSC-21-20-00010-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Town of Thompson.
PSC-21-20-00011-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether IGS Energy should be allowed to offer a Carbon-Neutral Gas Product and a Home Warranty Service Product.
PSC-22-20-00001-EP	..... exempt	Modifications to electric utility dynamic load management (DLM) demand reduction programs.	To encourage DLM participation in summer 2020 capability period despite uncertainty due to the State Disaster Emergency.
PSC-22-20-00005-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	To reduce unnecessary waste and disposal of directory listings.
PSC-22-20-00006-P	..... exempt	Proposed tariff amendment regarding the billing of customers participating in the Preservation Power Program.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-22-20-00007-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-23-20-00006-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether IDT Energy, Inc. and Residents Energy, LLC should be permitted to offer Green Gas Products in New York.
PSC-23-20-00007-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether American Power & Gas LLC should be permitted to offer its Green Gas Products to mass market customers.
PSC-23-20-00008-P	..... exempt	Disposition of sales tax refund and other related matters.	To consider the appropriate allocation of the sales tax refund proceeds while balancing ratepayer and shareholder interests.
PSC-23-20-00009-P	..... exempt	Adjustments to the Non-Firm Revenue Sharing Mechanism.	To adjust the Non-Firm Revenue Sharing mechanism to increase firm customer sharing
PSC-23-20-00010-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether AmeriChoice Energy should be permitted to offer its Green Gas Products to mass market customers.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-24-20-00011-EP	..... exempt	Postponement of a rate increase.	To assist customers in a time of hardship.
PSC-24-20-00012-EP	..... exempt	Further postponement of a rate increase and waiver of a tariff rule.	To assist customers in a time of hardship.
PSC-24-20-00013-EP	..... exempt	Further postponement of the annual update of the low income discount credits.	To assist customers in a time of hardship.
PSC-24-20-00016-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the NRG Retail Companies should be permitted to offer Green Gas Products in New York.
PSC-24-20-00017-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-24-20-00018-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Atlantic Energy, LLC should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-24-20-00019-P	..... exempt	Enwave Syracuse LLC and Syracuse Energy Concessionaire LLC's operation and maintenance of the SUSS and muni agreements.	To review a contract to operate, maintain and modernize the SUSS and three municipal road use agreements.
PSC-24-20-00020-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether CenStar Energy, Major Energy Services, and Spark Energy Gas should be permitted to offer Green Gas Products.
PSC-25-20-00009-P	..... exempt	Petition for the use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
PSC-25-20-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-25-20-00012-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-25-20-00013-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-25-20-00014-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether South Bay Energy Corp. should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-25-20-00015-P	..... exempt	Staff whitepaper on a Data Access Framework.	To standardize the necessary privacy and cybersecurity requirements for access to energy-related data.
PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-25-20-00017-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Marathon Energy should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-25-20-00018-P	..... exempt	Staff's whitepaper proposing an IEDR.	To collect and integrate a large and diverse set of energy-related information and data on one statewide platform.
PSC-25-20-00019-P	..... exempt	A Clean Energy Resources Development and Incentives Program.	To identify and develop renewable energy project sites for competitive auction to private developers.
PSC-25-20-00020-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-26-20-00004-EP	..... exempt	Postponement of a rate increase.	To assist customers in a time of hardship.
PSC-26-20-00005-EP	..... exempt	Postponement of a rate increase.	To assist customers in a time of hardship.
PSC-26-20-00006-EP	..... exempt	Emergency financial relief.	To protect the health, safety and general welfare of low-income customers during the summer months.
PSC-26-20-00009-P	..... exempt	Escrow account modification and one-time surcharge.	To determine whether the Company's proposed changes to its Escrow Account and a one time surcharge is in the public interest.
PSC-26-20-00010-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	The waiver should be considered because directory publishing is temporarily not feasible due to the COVID-19 pandemic.
PSC-26-20-00011-P	..... exempt	NYSERDA and Staff whitepaper regarding a clean energy regulatory structure.	To develop a renewable energy program to meet Climate Leadership and Community Protection Act goals.
PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
PSC-27-20-00004-P	..... exempt	Tariff modifications to implement programming changes to National Fuel Gas Distribution Corporation's SAP Billing System.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-28-20-00020-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-28-20-00021-P	..... exempt	Waiver of tariff provisions.	To ensure just and reasonable rates charged to customers without undue preference.
PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-28-20-00023-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-28-20-00024-P	..... exempt	Notice of intent to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-28-20-00025-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-28-20-00026-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act.	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals.
PSC-28-20-00027-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the petitioners should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
PSC-29-20-00007-P	..... exempt	Petition to transfer telephone and cable systems, franchises and assets.	Consider the proposed transfer of telephone and cable systems, franchises and assets.
PSC-29-20-00008-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
PSC-29-20-00009-P	..... exempt	Niagara Mohawk Power Corporation d/b/a National Grid's economic development programs.	To consider modifications to Niagara Mohawk Power Corporation d/b/a National Grid's economic development assistance programs.
PSC-29-20-00011-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 Opportunities for Broome, Inc for waiver of Opinion No. 76-17 and 16 NYCRR Part 96.
PSC-29-20-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-29-20-00013-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-29-20-00014-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-29-20-00015-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.

STATE, DEPARTMENT OF

DOS-26-20-00008-P 07/01/21	Creation of a cease and desist zone within Kings County	To adopt a cease and desist zone for a designated area within Kings County
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STATE UNIVERSITY OF NEW YORK

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

Action Pending Index**NYS Register/July 22, 2020**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE UNIVERSITY OF NEW YORK			
SUN-28-20-00028-EP	07/15/21	Tuition, Fees and Charges	To authorize the waiver of admission application fees for active-duty military service members and their dependents.
SUN-29-20-00004-EP	07/22/21	State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY	To modify limitations formula for basic State financial assistance and remove an operating support "floor"
SUN-29-20-00005-EP	07/22/21	Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees	To postpone voting on student activity fees and elections of Student Assembly representatives and officers until Fall 2020
STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY			
SIR-20-20-00003-EP	05/20/21	The conduct and safety of the public in the use of terminals, stations and trains operated by Staten Island Rapid Transit Auth	To safeguard the public health and safety by amending rules concerning appropriate and safe use of terminals and stations.
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-02-20-00001-EP	01/14/21	Property tax levy limits for school districts in relation to certain costs resulting from capital local expenditures	To implement Education Law 2023-a relating to certain costs resulting from capital local expenditures of school districts
TAF-21-20-00004-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.	To set the sales tax component and the composite rate per gallon for the period July 1, 2020 through September 30, 2020.
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-16-20-00012-P	04/22/21	New York State Combined Application Project (NYSCAP)	To implement the NYSCAP, a new combined application project for recipients of Supplemental Security Income benefits, who have been designated as Live-Alone by the Social Security Administration and the State-funded SSI State Supplement Program
TDA-26-20-00007-P	07/01/21	Supplemental Security Income (SSI) Additional State Payments	To clarify who participates, the intended uses for benefits, that benefits won't be issued once a death is verified, time frames to report and circumstances when underpayment/retroactive benefits will issue, and NYS operates SSP under State rules
THRUWAY AUTHORITY, NEW YORK STATE			
THR-01-20-00003-P	01/07/21	Toll rate adjustments on the New York State Thruway system.	To provide for toll rate adjustments necessary to support the Authority's financial obligations.
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY			
TBA-26-20-00001-P	exempt	A proposal to establish a new crossing charge schedule for use of bridges and tunnels operated by TBTA	To provide for the implementation of split tolling at TBTA's Verrazzano-Narrows Bridge as required by federal law
WORKERS' COMPENSATION BOARD			
WCB-37-19-00002-P	09/10/20	Applications for Reopenings	Clarify the process for reopening a case that has been previously closed

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
WORKERS' COMPENSATION BOARD			
WCB-23-20-00001-P	06/10/21	Submission of medical bills and reports	To allow the single mailing address and format prescribed by the chair for submission of bills and medical reports
WCB-23-20-00002-P	06/10/21	Medical Treatment Guidelines	Repeal carpal tunnel syndrome MTG and replace with hand, wrist, and forearm, and add asthma
WCB-23-20-00004-P	06/10/21	EDI system updates	To require carriers to report certain credits taken for payments to claimants; biannual reports; EDI 3.1 updates
WCB-28-20-00003-EP	07/15/21	Adding COVID-19 diagnosis by a health care provider as a serious health condition for purposes of Paid Family Leave	To clarify that employees may take PFL to care for a family member with COVID-19

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REMOVE/REPLACE BOILERS

State Armory
Dunkirk, Chautauqua County

Sealed bids for Project Nos. 46015-H and 46015-E, comprising separate contracts for HVAC Work and Electrical Work, Remove/Replace Boilers, State Armory, 830 Main Street, Dunkirk (Chautauqua 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 Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, July 22, 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 \$22,100 for H and \$6,000 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 H 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>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder

provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 308 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

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 HVAC Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail to DCPlans@ogs.ny.gov, or call (518) 474-0203.

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

By *John D. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

PROVIDE
HVAC/INTERIOR RENOVATIONS
Camp Smith Training Site
Cortlandt Manor, Westchester County

Sealed bids for Project Nos. 46046-C, 46046-H, 46046-P and 46046-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Provide HVAC and Interior Renovations, Building 503, Camp Smith Training Site, 11 Bear Mountain Bridge Road, Cortlandt Manor (Westchester 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 Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, July 29, 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 \$67,000 for C, \$53,700 for H, \$25,800 for P, and \$33,000 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 \$1,000,000 and \$2,000,000 for C, between \$1,000,000 and \$2,000,000 for H, between \$500,000 and \$1,000,000 for P, and between \$500,000 and \$1,000,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John 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.

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

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

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 471 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

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

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail to DCPlans@ogs.ny.gov, or call (518) 474-0203.

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

By *John D. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

REPLACE
EDPM ROOF

Department of Transportation Region 3
Camillus, Onondaga County

Sealed bids for Project No. 46153-C, comprising a contract for Construction Work Replace EDPM Roof, DOT Region 3, 5700 Devoe Road, Camillus (Onondaga 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, July 22, 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 \$16,600 for C).

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

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$100,000 and \$250,000 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 66 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.

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 20% for MWBE participation, 10% for Minority-Owned Business Enterprises (“MBE”) participation and 10% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of

MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD’s on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link for ordering and payment instructions: <https://ogs.ny.gov/design-construction/construction-contractors>

For questions about purchase of bid documents, please send an e-mail to DCPlans@ogs.ny.gov, or call (518) 474-0203.

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

By *John D. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

**PROVIDE
LIGHTING UPGRADE
Army Aviation Support Facility #2
Rochester, Monroe County**

Sealed bids for Project No. 46183-E, comprising a contract for Electrical Work, Provide Lighting Upgrade, Army Aviation Support Facility #2, 76 Patriot Way, Rochester (Monroe 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 Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, July 29, 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 \$24,600 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 E.

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.

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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 can-

not meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 294 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

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 20% for MWBE participation, 10% for Minority-Owned Business Enterprises (“MBE”) participation and 10% 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 Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD’s on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail to DCPlans@ogs.ny.gov, or call (518) 474-0203.

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

By *John D. Lewyckyj*, Deputy Director
OGS - Design & Construction Group

**REPLACE
ROOF
State Armory
Staten Island, Richmond County**

Sealed bids for Project No. 46185-C, comprising a contract for Construction Work, Replace Roof, State Armory, 321 Manor Road, Staten Island (Richmond 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 Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, July 29, 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 \$31,900 for C).

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

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and

137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$700,000 and \$800,000 for C.

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.

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 304 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

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 Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD’s on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail to DCPlans@ogs.ny.gov, or call (518) 474-0203.

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

By *John D. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

NOTICE OF ANNULMENT OF DISSOLUTION OF CERTAIN BUSINESS CORPORATIONS

Under the Provisions of Section 203-a of the Tax Law, As Amended The Secretary of State hereby provides notice that the following corporations, which were duly dissolved in the manner prescribed by Section 203-a of the Tax Law, have complied with the provisions of subdivision (7) of Section 203-a of the Tax Law, annulling all of the proceedings theretofore taken for the dissolution of each such corporation. The appropriate entries have been made on the records of the Department of State.

COUNTY: ALBANY

ENTITY NAME: HIGH SKY INC
REINSTATE: 05/12/20
DIS BY PROC: 08/31/16

ENTITY NAME: THE MUSIC STUDIO OF ALBANY, NEW YORK,
LTD.
REINSTATE: 04/15/20
DIS BY PROC: 10/26/16

ENTITY NAME: ZDOCH ENTERPRISES INC.
REINSTATE: 05/18/20
DIS BY PROC: 10/26/11

ENTITY NAME: 1031 BROADWAY ASSOCIATES, INC.
REINSTATE: 04/30/20
DIS BY PROC: 06/27/01

COUNTY: BRONX

ENTITY NAME: B G & W CORPORATION
REINSTATE: 05/05/20
DIS BY PROC: 04/27/11

ENTITY NAME: LA ROOSE CATERING HALL INC
REINSTATE: 06/26/20
DIS BY PROC: 10/26/16

ENTITY NAME: NEREID FUNDING CORP.
REINSTATE: 04/02/20
DIS BY PROC: 08/31/16

ENTITY NAME: RGA ENTERPRISE, INC.
REINSTATE: 06/09/20
DIS BY PROC: 08/31/16

ENTITY NAME: SELIG EISENBERG, M. D. P. C.
REINSTATE: 05/07/20
DIS BY PROC: 10/26/16

ENTITY NAME: TWIN MOUNT SERVICE STATION INC.
REINSTATE: 05/21/20
DIS BY PROC: 06/29/16

COUNTY: BROOME

ENTITY NAME: STERLING INTERNATIONAL AIRLINES IN-
CORPORATED
REINSTATE: 04/01/20
DIS BY PROC: 10/26/16

COUNTY: CHENANGO

ENTITY NAME: ONONTIO LANDSCAPING, INC.
REINSTATE: 04/30/20
DIS BY PROC: 08/31/16

COUNTY: COLUMBIA

ENTITY NAME: KEESE MILL INC.
REINSTATE: 04/10/20
DIS BY PROC: 10/26/16

ENTITY NAME: TACONIC ENGINEERING, D.P.C.
REINSTATE: 04/24/20
DIS BY PROC: 10/26/16

COUNTY: DELAWARE

ENTITY NAME: MT. HOLLEY, INC.
REINSTATE: 05/04/20
DIS BY PROC: 06/29/16

COUNTY: DUTCHESS

ENTITY NAME: DIMICK HOLLOW INVESTORS, INC.
REINSTATE: 05/06/20
DIS BY PROC: 06/24/92

COUNTY: ERIE

ENTITY NAME: AFTER DARK ENTERTAINMENT, INC.
 REINSTATE: 04/15/20
 DIS BY PROC: 06/29/16

ENTITY NAME: CHAYBAN-YASMINE TAILORS INC.
 REINSTATE: 06/26/20
 DIS BY PROC: 07/27/11

ENTITY NAME: INNOVATIVE MARKETING SOLUTIONS, INC.
 REINSTATE: 05/15/20
 DIS BY PROC: 06/29/16

ENTITY NAME: KBATHH, INC.
 REINSTATE: 06/26/20
 DIS BY PROC: 10/26/16

ENTITY NAME: LAWRENCE APPRAISAL SERVICE INC.
 REINSTATE: 04/27/20
 DIS BY PROC: 06/29/16

ENTITY NAME: OH! YOU DIRTY DOG!, INC.
 REINSTATE: 06/11/20
 DIS BY PROC: 07/27/11

ENTITY NAME: OVERDORF ASSOCIATES AGENCY, INC.
 REINSTATE: 06/01/20
 DIS BY PROC: 12/29/99

COUNTY: FRANKLIN

ENTITY NAME: MALONE BUSINESS CENTER, INC.
 REINSTATE: 05/21/20
 DIS BY PROC: 12/26/01

COUNTY: JEFFERSON

ENTITY NAME: 25 JAMES STREET LTD.
 REINSTATE: 05/07/20
 DIS BY PROC: 01/25/12

COUNTY: KINGS

ENTITY NAME: BABALOLA BROKERAGE & GENERAL MERCHANTS, INC.
 REINSTATE: 04/23/20
 DIS BY PROC: 01/28/09

ENTITY NAME: BEST POINT SALES INC.
 REINSTATE: 06/18/20
 DIS BY PROC: 06/29/16

ENTITY NAME: CHAIYA SOSA INC.
 REINSTATE: 06/29/20
 DIS BY PROC: 07/28/10

ENTITY NAME: DELT HARDWARE INC.
 REINSTATE: 04/17/20
 DIS BY PROC: 01/25/12

ENTITY NAME: FLAT LAND ICE CREAM, INC.
 REINSTATE: 05/14/20
 DIS BY PROC: 01/27/10

ENTITY NAME: GALAXY BAR & GRILL CORP.
 REINSTATE: 04/28/20
 DIS BY PROC: 08/31/16

ENTITY NAME: IOLOGIC CORP.
 REINSTATE: 06/30/20
 DIS BY PROC: 10/26/16

ENTITY NAME: JEFF'S POWER CONCEPT CORP.
 REINSTATE: 04/23/20
 DIS BY PROC: 10/26/16

ENTITY NAME: KIMELINE INSURANCE AGENCY, CORP.
 REINSTATE: 05/20/20
 DIS BY PROC: 08/31/16

ENTITY NAME: LOUISON & PANCHAM TRANSPORTATION CORP.
 REINSTATE: 04/21/20
 DIS BY PROC: 08/31/16

ENTITY NAME: MYRTLE MANAGEMENT CORP.
 REINSTATE: 05/01/20
 DIS BY PROC: 06/29/16

ENTITY NAME: RALPH MEDICAL DIAGNOSTICS, P.C.
 REINSTATE: 05/06/20
 DIS BY PROC: 06/29/16

ENTITY NAME: SINTAN FRUITS INC.
 REINSTATE: 06/17/20
 DIS BY PROC: 08/31/16

ENTITY NAME: TONGO EXPRESS CORP.
 REINSTATE: 04/15/20
 DIS BY PROC: 06/29/16

ENTITY NAME: 1591 REALTY CORP.
 REINSTATE: 04/15/20
 DIS BY PROC: 10/26/16

ENTITY NAME: 510 HALSEY CORP.
 REINSTATE: 04/28/20
 DIS BY PROC: 01/26/11

869 58TH STREET CORP.
 REINSTATE: 06/05/20
 DIS BY PROC: 09/23/98

COUNTY: MONROE

ENTITY NAME: BAYCREEK PADDLING CENTER, INC.
 REINSTATE: 04/23/20
 DIS BY PROC: 06/29/16

ENTITY NAME: DONG SHAN INC.
 REINSTATE: 05/13/20
 DIS BY PROC: 10/26/11

ENTITY NAME: DONG SHAN INC.
 REINSTATE: 05/13/20
 DIS BY PROC: 10/26/11

ENTITY NAME: HUMMINGBIRD TAXI, INC.
 REINSTATE: 04/20/20
 DIS BY PROC: 03/29/00

ENTITY NAME: JOSEPH SAGE AUTO SALES, INC.
 REINSTATE: 04/28/20
 DIS BY PROC: 04/27/11

ENTITY NAME: JSB MANAGEMENT COMPANY, INC.
 REINSTATE: 05/29/20
 DIS BY PROC: 07/29/09

COUNTY: NASSAU

ENTITY NAME: ADR REALTY HOLDING CORP.
REINSTATE: 05/18/20
DIS BY PROC: 10/26/11

ENTITY NAME: GMV ACCOUNTING CORP.
REINSTATE: 04/28/20
DIS BY PROC: 10/26/16

ENTITY NAME: I AM BEAUTY INC.
REINSTATE: 06/09/20
DIS BY PROC: 10/26/16

ENTITY NAME: JETLYNK AIRWAYS INC.
REINSTATE: 06/04/20
DIS BY PROC: 08/31/16

ENTITY NAME: MASSAPEQUA PRECISION MACHINING, LTD.
REINSTATE: 04/23/20
DIS BY PROC: 10/26/16

ENTITY NAME: OAPD-OFFICE FOR ARCHITECTURE, PLANNING AND DESIGN, P.C.
REINSTATE: 04/21/20
DIS BY PROC: 01/26/11

ENTITY NAME: SELECTIVE BARBER SHOP & HAIR SALON, LTD.
REINSTATE: 05/14/20
DIS BY PROC: 07/27/11

ENTITY NAME: SIGMA DINER CORP.
REINSTATE: 05/18/20
DIS BY PROC: 01/26/11

ENTITY NAME: SUSAN HALPERN ASSOCIATES INC.
REINSTATE: 06/03/20
DIS BY PROC: 06/30/04

ENTITY NAME: TALIA SEDAGHAT-DARVISH, DMD, P.C.
REINSTATE: 06/29/20
DIS BY PROC: 08/31/16

ENTITY NAME: THE GLORIA EVE SCHOOL OF DANCE AND MUSIC INC.
REINSTATE: 04/29/20
DIS BY PROC: 06/29/16

ENTITY NAME: TOMATO & BASIL PIZZERIA AND RESTAURANT, INC.
REINSTATE: 06/15/20
DIS BY PROC: 01/26/11

COUNTY: NEW YORK

ENTITY NAME: AMERICAN CONNECTION TOURS, INC.
REINSTATE: 05/26/20
DIS BY PROC: 07/28/10

ENTITY NAME: BH CONSULTING INC.
REINSTATE: 05/19/20
DIS BY PROC: 06/29/16

ENTITY NAME: CHARLES D. BRODERSON, INC.
REINSTATE: 05/04/20
DIS BY PROC: 06/25/03

ENTITY NAME: EAST RIVER NEUROLOGY, P.C.
REINSTATE: 05/14/20
DIS BY PROC: 06/29/16

ENTITY NAME: GRAMERCY PARK GROUP CORP.
REINSTATE: 05/08/20
DIS BY PROC: 06/26/02

ENTITY NAME: INFINITE MEDIA CONCEPTS INCORPORATED
REINSTATE: 04/28/20
DIS BY PROC: 10/26/16

ENTITY NAME: J.J.A. CONTRACTING CORP.
REINSTATE: 06/24/20
DIS BY PROC: 04/27/11

ENTITY NAME: JHONY US INC.
REINSTATE: 06/29/20
DIS BY PROC: 04/27/11

ENTITY NAME: JPJ REALTY CORP.
REINSTATE: 04/15/20
DIS BY PROC: 05/03/00

ENTITY NAME: MINETTA LANE REALTY CORP.
REINSTATE: 06/01/20
DIS BY PROC: 10/26/16

ENTITY NAME: MULTI-ETHNIC TALENT & PROMOTION, INC.
REINSTATE: 04/16/20
DIS BY PROC: 07/29/09

ENTITY NAME: NEW WORLD HOTEL CORP.
REINSTATE: 06/30/20
DIS BY PROC: 06/29/16

ENTITY NAME: OBER, ONET & ASSOCIATES INC.
REINSTATE: 06/12/20
DIS BY PROC: 06/29/16

ENTITY NAME: PASKHO INC.
REINSTATE: 04/24/20
DIS BY PROC: 10/26/16

ENTITY NAME: SOUNDS IN THE GRASS INC.
REINSTATE: 05/26/20
DIS BY PROC: 10/26/16

ENTITY NAME: SOUNDS IN THE GRASS INC.
REINSTATE: 06/15/20
DIS BY PROC: 10/26/16

ENTITY NAME: YEAR ROUND, INC.
REINSTATE: 06/18/20
DIS BY PROC: 06/30/04

ENTITY NAME: 100% PERFUME INC.
REINSTATE: 06/29/20
DIS BY PROC: 01/25/12

ENTITY NAME: 101 PRODUCTIONS, LTD.
REINSTATE: 05/13/20
DIS BY PROC: 06/29/16

ENTITY NAME: 54 ST. AUTO CARE INC.
REINSTATE: 05/14/20
DIS BY PROC: 06/29/16

ENTITY NAME: 78-86 THAYER STREET CORPORATION
REINSTATE: 06/09/20
DIS BY PROC: 10/26/16

COUNTY: NIAGARA

ENTITY NAME: GKG CONVENIENCE INC.
REINSTATE: 05/18/20
DIS BY PROC: 04/25/12

ENTITY NAME: M.J. PHILLIPS COMMUNICATIONS, INC.
REINSTATE: 06/03/20
DIS BY PROC: 06/30/04

COUNTY: ONEIDA

ENTITY NAME: TRIPLE T TIRE, INC.
REINSTATE: 04/28/20
DIS BY PROC: 06/29/16

COUNTY: ONONDAGA

ENTITY NAME: LIDDY ENTERPRISES, INC.
REINSTATE: 06/15/20
DIS BY PROC: 10/26/16

ENTITY NAME: PROFESSIONAL DRY CLEANING, INC.
REINSTATE: 06/04/20
DIS BY PROC: 06/29/16

ENTITY NAME: QUALITY AUTOMOTIVE & TRANSMISSION,
INC.
REINSTATE: 04/23/20
DIS BY PROC: 06/29/16

COUNTY: ORLEANS

ENTITY NAME: HACIENDA MANAGEMENT GROUP, INC.
REINSTATE: 04/10/20
DIS BY PROC: 10/26/16

COUNTY: OSWEGO

ENTITY NAME: MAMA GINA'S, INC.
REINSTATE: 05/13/20
DIS BY PROC: 09/25/02

ENTITY NAME: 10 - THE PERFECT BODY INC.
REINSTATE: 06/26/20
DIS BY PROC: 06/30/04

COUNTY: PUTNAM

ENTITY NAME: D. J. LEDLEY FOOD SERVICE CO., INC.
REINSTATE: 05/29/20
DIS BY PROC: 10/28/09

COUNTY: QUEENS

ENTITY NAME: AVIV DEVELOPMENT CORP.
REINSTATE: 06/16/20
DIS BY PROC: 01/28/09

ENTITY NAME: BRANIC CORPORATION
REINSTATE: 06/29/20
DIS BY PROC: 06/29/16

ENTITY NAME: DEVO FIRE PROTECTION, INC.
REINSTATE: 06/23/20
DIS BY PROC: 06/29/16

ENTITY NAME: FLASH CASH ATM INC.
REINSTATE: 05/28/20
DIS BY PROC: 10/26/16

ENTITY NAME: HWHLP SUCCESSVILLE USA INC
REINSTATE: 05/18/20
DIS BY PROC: 06/29/16

ENTITY NAME: ICAITE INCORPORATED
REINSTATE: 05/01/20
DIS BY PROC: 06/29/16

ENTITY NAME: LA VILLA PRODUCE AND DELI, INC.
REINSTATE: 06/04/20
DIS BY PROC: 08/31/16

ENTITY NAME: R.H.J.T.R. INC.
REINSTATE: 04/17/20
DIS BY PROC: 06/30/04

ENTITY NAME: XI BANG USA INC.
REINSTATE: 04/01/20
DIS BY PROC: 10/26/16

ENTITY NAME: 73RD ST. REST. CORP.
REINSTATE: 05/28/20
DIS BY PROC: 01/25/12

COUNTY: RICHMOND

ENTITY NAME: NICHOLAS PROPERTIES LTD.
REINSTATE: 05/29/20
DIS BY PROC: 06/29/16

COUNTY: SARATOGA

ENTITY NAME: SARATOGA REALTY ASSOCIATES, INC.
REINSTATE: 06/30/20
DIS BY PROC: 09/24/97

COUNTY: SUFFOLK

ENTITY NAME: BIG SHOT IMAGES, INC.
REINSTATE: 06/03/20
DIS BY PROC: 10/28/09

ENTITY NAME: BRAD S. ROSENBERG, C.P.A., P.C.
REINSTATE: 05/28/20
DIS BY PROC: 10/27/10

ENTITY NAME: CYCLE FAST USA, INC.
REINSTATE: 06/11/20
DIS BY PROC: 04/27/11

ENTITY NAME: DJ BRIDGEHAMPTON INCORPORATED
REINSTATE: 04/29/20
DIS BY PROC: 08/31/16

ENTITY NAME: EL TENAMPA, INC.
REINSTATE: 05/22/20
DIS BY PROC: 07/27/11

ENTITY NAME: R.A.C.E. JEWELRY CORP.
REINSTATE: 04/29/20
DIS BY PROC: 06/29/16

ENTITY NAME: RRP PROPERTIES, INC.
REINSTATE: 06/15/20
DIS BY PROC: 07/27/11

ENTITY NAME: SANSONE PROPERTIES, LTD.
 REINSTATE: 06/22/20
 DIS BY PROC: 10/28/09

ENTITY NAME: URGENT HEALTH MEDICAL CARE P.C.
 REINSTATE: 06/01/20
 DIS BY PROC: 10/26/16

COUNTY: ULSTER

ENTITY NAME: EDUCATION FOR EXCELLENCE INC.
 REINSTATE: 05/14/20
 DIS BY PROC: 01/26/11

COUNTY: WESTCHESTER

ENTITY NAME: ANDY'S ALLSTAR TRANSMISSION CORP.
 REINSTATE: 05/18/20
 DIS BY PROC: 10/28/09

ENTITY NAME: B.M.C. PRODUCTIONS MORTGAGE CO., INC.
 REINSTATE: 05/07/20
 DIS BY PROC: 06/29/16

ENTITY NAME: BETTER BOOKKEEPING PLUS, INC.
 REINSTATE: 06/24/20
 DIS BY PROC: 06/29/16

ENTITY NAME: CORTLANDT PARTNERS LTD.
 REINSTATE: 04/01/20
 DIS BY PROC: 03/31/04

ENTITY NAME: DIEM-TRANG DOAN NGUYEN, D.M.D., P.C.
 REINSTATE: 06/30/20
 DIS BY PROC: 03/28/01

ENTITY NAME: HOWARD BRADNOCK M.D., P.C.
 REINSTATE: 04/30/20
 DIS BY PROC: 07/28/10

ENTITY NAME: JC SANTANA CONTRACTING, CORP.
 REINSTATE: 04/08/20
 DIS BY PROC: 10/26/16

ENTITY NAME: LYRA CONSULTING, INC.
 REINSTATE: 04/20/20
 DIS BY PROC: 01/27/10

ENTITY NAME: PRESTIGE AUTO, INC.
 REINSTATE: 04/03/20
 DIS BY PROC: 10/26/16

**NOTICE OF ERRONEOUS INCLUSION
 IN DISSOLUTION BY PROCLAMATION OF
 CERTAIN BUSINESS CORPORATIONS**

Under the Provisions of Section 203-a of the Tax Law, As Amended
 The Secretary of State hereby provides notice that the following corporations were erroneously included in proclamations declaring certain business corporations dissolved. The State Tax Commission has duly certified to the Secretary of State that the names of these corporations were erroneously included in such proclamations. The appropriate entries have been made on the records of the Department of State.

COUNTY: ALBANY

ENTITY NAME: SCHAEFER MEDIA & MARKETING INC.
 REINSTATE: 04/14/20
 DIS BY PROC: 01/25/12

COUNTY: KINGS

ENTITY NAME: WHALE REAL ESTATE HOLDING CORP.
 REINSTATE: 06/25/20
 DIS BY PROC: 10/26/16

COUNTY: NASSAU

ENTITY NAME: ACCESS CONSTRUCTION SERVICES CORP.
 REINSTATE: 04/16/20
 DIS BY PROC: 01/26/11

ENTITY NAME: ADVANCED ENVIRONMENTAL RESTORATION CORP.
 REINSTATE: 06/15/20
 DIS BY PROC: 08/31/16

ENTITY NAME: TOP NOTCH CLEANING & MAINTENANCE, INC.
 REINSTATE: 05/13/20
 DIS BY PROC: 06/29/16

COUNTY: NEW YORK

ENTITY NAME: EUMERICA, INC.
 REINSTATE: 04/20/20
 DIS BY PROC: 01/26/11

ENTITY NAME: THE STUDIO PPS CORPORATION
 REINSTATE: 04/16/20
 DIS BY PROC: 08/31/16

COUNTY: ONONDAGA

ENTITY NAME: NO LIMIT FRAMING, INC.
 REINSTATE: 05/08/20
 DIS BY PROC: 07/27/11

ENTITY NAME: WILLCOL, INC.
 REINSTATE: 06/09/20
 DIS BY PROC: 10/26/16

COUNTY: QUEENS

ENTITY NAME: TISHRI ASSETS MANAGEMENT CORP.
 REINSTATE: 06/23/20
 DIS BY PROC: 07/27/11

COUNTY: SUFFOLK

ENTITY NAME: PROFILE INVESTIGATIONS, INC.
 REINSTATE: 05/27/20
 DIS BY PROC: 06/29/16

COUNTY: WESTCHESTER

ENTITY NAME: LILLYPOD FLOATATION INC.
 REINSTATE: 06/01/20
 DIS BY PROC: 10/26/16

**NOTICE OF ERRONEOUS INCLUSION
 IN ANNULMENT OF AUTHORITY OF
 CERTAIN FOREIGN CORPORATIONS**

Under the Provisions of Section 203-b of the Tax Law, As Amended
 The Secretary of State hereby provides notice that the following foreign corporations were erroneously included in proclamations declaring their authority to do business in this state annulled. The State Tax Commission has duly certified to the Secretary of State that the names of the following foreign corporations were erroneously included in such proclamations. The appropriate entries have been made on the records of the Department of State.

COUNTY: NEW YORK

ENTITY NAME: CITIC GROUP, INC. OF CHINA
 JURIS: CHINA
 REINSTATE: 05/20/20
 ANNUL OF AUTH: 10/28/09

ENTITY NAME: FINJAN HOLDINGS, INC.
 JURIS: DELAWARE
 REINSTATE: 06/03/20
 ANNUL OF AUTH: 10/26/16

COUNTY: WAYNE

ENTITY NAME: ADDEX, INC.
 FICT NAME: ADDEX OF DELAWARE
 JURIS: DELAWARE
 REINSTATE: 06/24/20
 ANNUL OF AUTH: 12/29/99

**NOTICE OF CANCELLATION
 OF ANNULMENT OF AUTHORITY OF
 CERTAIN FOREIGN CORPORATIONS**

Under the Provisions of Section 203-b of the Tax Law, As Amended
 The Secretary of State hereby provides notice that the following foreign corporations, which had their authority to do business in this state annulled in the manner prescribed by Section 203-b of the Tax Law, have complied with the provisions of subdivision (7) of Section 203-b of the Tax Law, annulling all of the proceedings theretofore taken for the annulment of authority of each such corporation. The appropriate entries have been made on the records of the Department of State.

COUNTY: ALBANY

ENTITY NAME: DSG INSURANCE SERVICES INC.
 JURIS: CALIFORNIA
 REINSTATE: 05/07/20
 ANNUL OF AUTH: 10/26/16

COUNTY: CLINTON

ENTITY NAME: PHARMACY WHOLESALE SERVICES, INC.
 JURIS: DELAWARE
 REINSTATE: 05/20/20
 ANNUL OF AUTH: 04/27/11

COUNTY: MONROE

ENTITY NAME: BUSINESS UNDERWRITERS ASSOCIATES AGENCY, INC.
 JURIS: OHIO
 REINSTATE: 06/18/20
 ANNUL OF AUTH: 01/26/11

COUNTY: NASSAU

JURIS: WASHINGTON
 JURIS: DELAWARE
 REINSTATE: 06/18/20
 ANNUL OF AUTH: 04/27/11

ENTITY NAME: TAMARA SMATH, INC.
 JURIS: WASHINGTON
 REINSTATE: 05/28/20
 ANNUL OF AUTH: 10/26/16

COUNTY: NEW YORK

ENTITY NAME: DEBAUN DEVELOPMENT INC.
 JURIS: DELAWARE
 REINSTATE: 05/07/20
 ANNUL OF AUTH: 06/26/02

ENTITY NAME: HOLMDEL FINANCIAL SERVICES INC.
 JURIS: NEW JERSEY
 REINSTATE: 04/30/20
 ANNUL OF AUTH: 04/27/11

ENTITY NAME: MARTIN INSURANCE SERVICES, INC.
 FICT NAME: MARTIN INSURANCE AGENCY SERVICES
 JURIS: NEW JERSEY
 REINSTATE: 06/23/20
 ANNUL OF AUTH: 01/26/11

ENTITY NAME: MINDCREST, INC.
 JURIS: ILLINOIS
 REINSTATE: 05/07/20
 ANNUL OF AUTH: 10/26/11

ENTITY NAME: SYNTERRA, LTD.
 JURIS: PENNSYLVANIA
 REINSTATE: 04/15/20
 ANNUL OF AUTH: 10/26/16

ENTITY NAME: UL VERIFICATION SERVICES INC.
 JURIS: DELAWARE
 REINSTATE: 05/19/20
 ANNUL OF AUTH: 08/31/16

COUNTY: QUEENS

ENTITY NAME: ONTARIO LTD.
 FICT NAME: QTREX INTERNATIONAL
 JURIS: CANADA
 REINSTATE: 05/14/20
 ANNUL OF AUTH: 10/26/16

ENTITY NAME: T.V.L. GLOBAL LOGISTICS CORP.
 JURIS: CALIFORNIA
 REINSTATE: 05/18/20
 ANNUL OF AUTH: 10/26/16

COUNTY: SARATOGA

ENTITY NAME: AMERICAN ENERGY INSURANCE SERVICES
 FICT NAME: AMERICAN ENERGY INSURANCE BROKERAGE
 JURIS: CALIFORNIA
 REINSTATE: 05/12/20
 ANNUL OF AUTH: 10/27/10

PUBLIC NOTICE

Department of State
 Notice of Review for the
 Town of Porter

Draft Local Waterfront Revitalization Program

In accordance with the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the New York State Coastal Management Program, the Town of Porter, located within Niagara County and the Western NY region, has prepared a Draft Local Waterfront Revitalization Program (LWRP). The LWRP is a comprehensive management program for the Town's waterfront resources along the Niagara River, Lake Ontario, and Six Mile and Four Mile Creeks.

To approve the Town of Porter LWRP pursuant to Article 42 of the

NYS Executive Law, it is required that potentially affected State, federal, regional and local agencies be consulted to assure that the program does not conflict with existing policies and programs. For this purpose, the Draft LWRP is accessible online at: http://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP_draft.html

The Town of Porter Draft LWRP was accepted by the New York State Department of State (DOS) as complete and is now available for review by potentially affected State, federal, regional and local agencies, and the public. Comments on the Draft LWRP are due by September 22, 2020. At the close of this required review period, DOS will coordinate with the Town the responses to comments and any necessary revisions to the LWRP. Following adoption of the LWRP by the Town, and its subsequent approval by the Secretary of State, pursuant to 15 CFR Part 923, Subpart H, DOS will request incorporation of the LWRP into the State's Coastal Management Program by the federal Office for Coastal Management (OCM), as a Program Change.

Comments on the Town of Porter Draft LWRP should be submitted by September 22, 2020, to Valeria Ivan of the Office of Planning and Development and Community Infrastructure within the New York State Department of State, at Valeria.Ivan@dos.ny.gov

PUBLIC NOTICE

Department of State
F-2020-0390

Date of Issuance – July 22, 2020

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

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

In F-2020-0390, 11A Lighthouse Reality LLC proposes to construct a 4' x 100' grated vinyl pier on the northerly side of the property. Place (1) safety ladders at the end of the pier. Install (1) pier entry staircase to the beach from the pier. Replace in place an existing 100' bulkhead with a 100' navy GS 9000 vinyl bulkhead elevated 12" and install (1) bulkhead/beach staircase. Install a 5' x 100' boardwalk landward of the bulkhead. Replace two existing 8' returns and place 5 cu. yards of clean fill landward of the bulkhead. Install a 10' x 100' non-fertilized buffer area landward of the bulkhead. Remove and replace in-kind an existing 52' groin to the southerly property line. All lumber will be 100% greenheart wood. The project is located at 11A Lighthouse Road, Hampton Bay, NY 11968, on Shinnecock Bay, Suffolk County.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0390LighthouseRealityLLC.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or August 21, 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

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

PUBLIC NOTICE

Department of State
F-2020-0481

Date of Issuance – July 22, 2020

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

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

In F-2020-0481 or the "Tribeca Habitat Enhancements", the applicant Hudson River Park Trust, is proposing to install 20 biohuts at Pier 34, encasing existing piles with concrete and installation of 32 reef balls at Pier 32, installation of 112 reef balls and a corresponding number of oyster gabions in between Pier 34 and Pier 26, installation of 6 biohuts at Pier 26 existing piles.. The proposed location of the project is at Hudson River Park between Piers 26-34, generally between Beach and Canal Streets, Manhattan, New York County, Hudson River.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0481_Tribeca_Hab_Enh_App.pdf

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, August 21, 2020.

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

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

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

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

2020-0295 Matter of A.M. Expediting, Anthony Mitola, P.O. Box 567, Rocky Point, NY 11778, for a variance concerning safety requirements, including the ceiling height. Involved is an existing one family dwelling located at 124 Lower Rocky Point Rd., Sound Beach, Town of Brookhaven, NY 11789 County of Suffolk, State of New York.

2020-0296 Matter of Long Island Perfect Permits, Chris Ross, 124 Front St., Suite 205, Massapequa Park, NY 11762, for a variance concerning safety requirements, including the ceiling height and the height under a girder. Involved is an existing one family dwelling located at 1783 Heckscher Avenue, Bayshore, Town of Islip, NY 11706 County of Suffolk, State of New York.

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

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

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

2020-0298 Matter of John Morris, Five Rosalia Court, Smithtown, NY 11787, for a variance concerning safety requirements, including the height under a girder. Involved is an existing one family dwelling located at Five Rosalia Court, Town of Smithtown, NY 11787 County of Suffolk, State of New York.

2020-0300 Matter of Nassau Expeditors Inc., Scott Tirone, 75 Albertson Avenue, Albertson, NY 11507, for a variance concerning safety requirements, including the height under a girder. Involved is an existing one family dwelling located at 204 Grand Street, Westbury, Town of North Hempstead, NY 11590 County of Nassau, State of New York.

EXECUTIVE ORDERS

Executive Order No. 202.43: 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; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

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 July 18, 2020 the following:

- Section 5-18.0(2) of the Nassau County Administrative Code, to the extent necessary to allow the Nassau County Executive to extend until July 1, 2020, the deadline to pay without interest or penalty the final one-half of school taxes upon real estate in such county and to require payments made after such date to be subject to interest and penalties beginning on July 1, 2020.
- Subdivision 23 of section 621 of the Executive Law to the extent necessary to provide that an award for relocation expenses also shall include reasonable, temporary lodging expenses, such as motel or hotel, for victims of a crime or crimes related to domestic violence, subject to the fiscal limitation in subdivision 2 of section 631 of the Executive Law;
- Subdivision 1 of section 631 of the Executive Law to the extent necessary to provide that any certified residential program for victims of domestic violence as defined in section 459-a of the Social Services Law that had provided services to a victim of a crime or crimes related to domestic violence shall be considered a “criminal justice agency” for the purposes of the subdivision;
- Section 627 of the Executive Law and any other associated regulations to the extent necessary to provide that for the purposes of implementing this Executive Order, the Office of Victim Services shall determine claims submitted by a victim of a crime or crimes related to domestic violence, subject to the following conditions:
 - o If there is a physical injury, the claimant submits medical records of the injury and a statement from any certified residential program for victims of domestic violence as defined in section 459-a of the Social Services Law that such injuries were the result of a crime.
 - o In the event that there is no physical injury, the certified residential program for victims of domestic violence as defined in section 459-a of the Social Services Law after consultation with police or district attorney’s office, determines such actions include one or more of the enumerated charges under subdivisions 11 or 12 of section 631 of the Executive Law and specifies such crime or crimes in the application or information submitted to the office.

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 this Executive Order through July 18, 2020:

- In service of the policy goal of preventing the unnecessary congregation of people to slow the spread of the novel coronavirus, for businesses engaging in the sale/service of alcoholic beverages (i.e. restaurants, bars, convenience stores, liquor stores, and other entities licensed to sell alcoholic beverages at retail), whether such sale/service is for (i) off-premises consumption pursuant to regular licensed privileges; (ii) off-premises consumption through take-out or delivery service authorized under Executive Order 202.3, as extended, or (iii) on-premises consumption, including under the expansion procedures for outdoor service under Executive Order 202.38, in addition to such businesses’ supervisory obligations under existing laws, ordinances, rules, and regulations, all such businesses shall be further required to inspect, monitor, and otherwise supervise the area within 100 feet of the licensed premises to ensure that any consumption of food or beverage comports with the applicable open container ordinances, and the social distancing and face covering requirements set forth for such business or service in any applicable Executive Order, regulation, ordinance, law, Department of Health guidance, and/or State Liquor Authority guidance; if unable to comply, the serving business must discontinue such sale/service of alcoholic beverages unless and until such Executive Orders, regulations, law, ordinances, Department of Health guidance, and State Liquor Authority guidance can be fully observed.
- The directive contained in Executive Order 202.8 that required only on-line transactions for the Department of Motor Vehicles is hereby modified to allow for in-person transactions at county-operated Department of Motor Vehicles offices if such transactions are conducted by appointment only, and only in regions that have met the prescribed public health and safety metrics required for Phase Three reopening.

IN ADDITION, by virtue of the authority vested in me by Section 925-a of the Real Property Tax Law to extend during a State disaster emergency the period for paying property taxes without interest or penalties upon request of the chief executive officer of an affected county, city, town, village or school district, I do hereby extend by twenty-one days the period for paying, without interest or penalty, property taxes that are due in the following localities that have requested such an extension: Village of Alfred, Allegany County; Village of Cambridge, Washington County; Village of Greenwood Lake, Orange County; Village of Honeoye Falls, Monroe County; Village of Lake George, Warren County; Village of Manorhaven, Nassau County; Village of New Square, Rockland County; Village of Old Field Suffolk County; Village of Palmyra, Wayne County; Village of Piermont, Rockland County; Village of Schaghticoke, Rensselaer County; Village of South Nyack, Rockland County; and the Village of Tupper Lake, Franklin County.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this eighteenth day of June in the year two thousand twenty.

BY THE GOVERNOR

/s/ Andrew M. Cuomo
 /s/ Melissa DeRosa
 Secretary to the Governor

Executive Order No. 202.44: 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; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

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, do hereby suspend or temporarily modify the following provisions of law of law until July 21, 2020:

- Real Property Tax Law Article 5, to allow tentative and final real property tax assessment rolls to be filed up to 30 days late; allows hearing assessment complaints for tax assessing units to be at a date 21 days after the filing of the tentative roll; allows notice of the tentative roll filing to be published online and to suspend in-person inspection of tentative rolls; and to allow Boards of Assessment Review to hear complaints remotely.
- Real Property Tax Law § 1212, to allow the commissioner of Dept. of Tax and Finance to certify final state equalization rates, class ratios, and class equalization rates no later than 10 days before the last date sent by law.
- Education Law § 680, to allow licensed pharmacists to order and administer COVID tests or tests for its antibodies.
- Public Health Law § 571(6), to allow licensed pharmacists to be designated as qualified healthcare professionals so they can direct a limited service laboratory to test patients for COVID or its antibodies.
- 10 NYCRR 401.3(a),(e), 709, 710, 710.1 or any other applicable regulation, to allow for DOH to approve and certify dedicated birthing sites operated by licensed hospitals and centers.
- Article 6 and 15 of the Election Law in relation to conducting any village election to be held September 15, 2020 pursuant to this Executive Order, and article 6 of the Town Law are temporarily suspended and otherwise modified as follows:
 - o Any village or town election previously scheduled to be held in March, April, May, or June will be held on September 15, 2020. For any village or town election scheduled to be held on September 15, 2020 as directed by this Executive Order, all party nominations shall be made by party caucus, which may be conducted remotely as set forth by the chair of such party, and which shall be held not later than August 20, 2020, and provided that a certificate of nomination from such caucus and any certificates of declination or acceptance shall be filed not later than August 22, 2020, and provided that once a certificate of declination is submitted, no substitutions shall be permitted.
 - o All independent nominations for a village or town election previously scheduled prior to September 2020, now to be held on September 15, 2020, shall be postponed until such time as NY on Pause is suspended, subject to a process determined by a future Executive Order.
 - o Any village or town election postponed by Executive Order originally scheduled for a date in March, April, May or June of 2020 for which the ballot was fully determined at the time of this Executive Order shall proceed with the same ballot as would have been used at such prior election, and if such ballots were already printed, such ballots may be used at the September 15, 2020 election despite containing thereon the original date of the election.
 - o Any provision of the election law or village law otherwise applicable to the manner of conducting such an election in March, April, May or June, shall apply to the date of the September 15, 2020 election.
- o Village or town officials elected at a rescheduled election held on September 15, 2020, shall assume office as soon as the statement of canvass is filed with the village clerk pursuant to section 15-126 of the Election Law or certified by the board of election, and the term of office of such officers shall end as if they had been elected at the time of the originally scheduled election.
- o Any town or village election previously postponed by Executive Order for which ballot access was not completed at the time of such suspension shall be conducted solely in accordance with the ballot access provisions applicable to the September 15, 2020, election.
- Election Law § 9-209, to permit absentee ballots submitted by a voter who requested them for a canceled and rescheduled election to be cast and canvassed unless the voter appears to vote at the rescheduled election or requests another ballot.
- Election Law § 8-410, to require boards of election of any election held before July 1, 2020 to maintain a voting system that is accessible for voters who want to mark their ballots privately and independently; this must be on their website so people know of the service.
- Election Law § 16-108, to permit any Justice of the Supreme Court to hear election matters on election day and determine them by telephone or video conference.
- Election Law § 8-407, to allow that inspectors of boards of elections shall not attend or visit facilities to provide absentee ballots physically, and will send them by mail or by personal delivery.
- Election Law § 5-204, to eliminate the need for local or in person registration at poll sites in 2020.
- Public Health Law § 576-b(1) and 10 NYCRR 58-1.7, 58-1.9 to allow clinical labs to accept and examine specimens for COVID-19 testing from nursing home and adult care facilities personnel without a prescription or order and to report tests to the appropriate staff at the facilities; and to require the facilities to report positives to the local department of health for treatment and isolation orders
- Education Law § 6530, to the extent necessary to allow physicians to order COVID-19 tests for self-collection without having a physician-patient relationship.

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 do hereby issue the following directives for the period from the date of this Executive Order through July 21, 2020:

- The Commissioner of Health is authorized to suspend or revoke the operating certificate of any skilled nursing facility or adult care facility if it is determined that such facility has not adhered to any regulations or directives issued by the Commissioner of Health, and if determined to not be in compliance notwithstanding any law to the contrary the Commissioner may appoint a receiver to continue the operations on 24 hours' notice to the current operator, in order to preserve the life, health and safety of the people of the State of New York.
- The state assembly and state senate special elections, which are otherwise scheduled to be held on June 23, 2020 are hereby cancelled and such offices shall be filled at the general election. The special election to be held for the office of Queens Borough President is hereby cancelled, and such office shall be filled at the general election.
- The special election to be held for the office of City Council in the 37th district is hereby cancelled, and such office shall be filled at the general election.
- The directive related to support persons for birthing patients contained in Executive Order 202.13 and 202.12 is hereby modified to require any article twenty-eight facility, shall, as a condition of licensure, allow any patient giving birth to have present with them: a support person, who does not have symptoms of COVID-19, for the labor, delivery and also the remaining duration of the patient's stay; and/or a doula, who does not have

symptoms of COVID-19 for the labor, delivery, and the remaining duration of the patient's stay. The presence of a support person and/or doula will be subject to exceptions for medical necessity determined by the Commissioner.

- The directive contained in Executive Order 202.10 authorizing the Commissioner of Health to direct all general hospitals, ambulatory surgery centers, office-based surgery practices and diagnostic and treatment centers to increase the number of beds available to patients, including by canceling all elective surgeries and procedures, is hereby modified only to the extent necessary to authorize general hospitals to perform elective surgeries and procedures so long as the following criteria are met: within a county, the total available hospital inpatient capacity is over thirty percent and the total available hospital ICU capacity is over thirty percent and the total change, from April 17, 2020 to April 27, 2020, in the number of hospitalized patients who are positive for COVID-19 is fewer than ten; for each hospital within county that has met the eligibility criteria, the available hospital inpatient capacity is over thirty percent and the available hospital ICU capacity is over thirty percent and the change, from April 17, 2020 to April 27, 2020, in the number of hospitalized patients who are positive for COVID-19 is fewer than ten. The Commissioner of Health is authorized to issue guidance with respect to the implementation of these criteria. General hospitals that are authorized to perform elective surgeries and procedures must report, at a minimum, the number and types of surgeries and procedures performed to the Department of Health, in a manner prescribed by the Commissioner. General hospitals that do not meet the criteria to perform elective surgeries and procedures contained in this directive may seek a waiver from the prohibition, by submitting a plan that includes, at a minimum, their facility capacity, physical configuration, infectious disease protocols, and staffing capacity, including any applicable employment hardship information that includes any reductions in workforce, including furloughs, that have occurred due to the inability of such facility to perform elective surgeries or procedures, or any reductions in workforce, including furloughs, that may imminently occur due to the inability of such facility to perform elective surgeries or procedures, to the Department of Health, in a manner prescribed by the Commissioner. General hospitals shall not perform any elective surgery or procedure for patients until each such patient has tested negative for COVID-19 through an approved diagnostic test, and the hospital and patient have complied with the pre-operative and pre-procedure guidelines in a manner prescribed by the Commissioner.
- Any district or special district, including, but not limited to fire, library, sewer, or water, that conducts an election and/or budget vote shall be rescheduled to September 15, 2020 and collection of signatures for nominating petitions is hereby suspended until further notice, subject to a process determined by a future Executive Order; provided however, a library district may conduct an election on June 9, 2020 pursuant to this Executive Order if such election is managed by a school district.
- Circulation, filing, and collection of any independent nominating petition pursuant to section 6-138 of the Election Law for any office that would otherwise be circulated or filed pursuant to the Election Law or for any special district election, as provided for in Executive Order 202.13, continue to be postponed until further notice and shall be subject to a future Executive Order.
- Any village or town election that was postponed in March of 2020, or scheduled to be held on June 16, 2020, or any time prior to September 15, 2020, is hereby rescheduled for September 15, 2020
- Executive Order 202.23 is modified to clarify that any voter that is in active and/or inactive status and is eligible to vote in a primary or special election to be held on June 23, 2020 who requests an absentee ballot via telephone for the June 23 special election or primary election, shall be sent an absentee ballot with a postage paid return envelope; provided however each voter shall not be sent more than one ballot, and shall not be required to complete an application either prior to or simultaneously to

receiving the ballot. Further, the board of elections receiving the telephone request shall maintain a record of such telephone request for an absentee ballot, and may complete the absentee ballot application as such record on behalf of the voter requesting the absentee ballot, provided that no ballot shall be deemed invalid for lack of a complete absentee ballot application for any reason

- Any suspension or modification of any law heretofore suspended in Executive Order 202, or any amended or modified Executive Order issued thereafter, which allowed for the practice of a profession in the state of New York without a current New York State licensure, or registration, including but not limited to those individuals who are validly licensed in another state or Canada, is hereby extended for a period of thirty days to allow those professionals the ability to continue to provide services necessary for the State's COVID-19 response.
- The authority of the Commissioner of Taxation and Finance to abate late filing and payment penalties pursuant to section 1145 of the Tax Law is hereby expanded to authorize abatement of interest and penalties for a period of up to 100 days for taxpayers who were required to file returns and remit sales and use taxes by March 20, 2020, for the sales tax quarterly period that ended February 29, 2020.
- Any licensee or franchisee of a racetrack in the State is hereby permitted to operate such racetrack as of June 1, 2020, provided such racetrack does not permit any visitor or fan into the facility, and allows on site only essential personnel; and provided further that such licensee or franchisee of a racetrack, and all essential personnel adhere to any directive or guidance issued by the Department of Health and/or by the Gaming Commission.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-first day of June in the year two thousand twenty.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

Executive Order No. 202.45: 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; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

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 extend any directive contained in Executive Order 202.34 and 202.35, provided such directive has not been superseded by a subsequent directive, and further, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through July 26, 2020 the following:

- Paragraph (e) of subdivision 1 of Section 581 of the Labor Law, to the extent necessary to authorize the Commissioner of Labor to issue a finding related to experience rating charges as permitted by the Families First Coronavirus Response Act and incurred beginning with the benefit week starting March 9, 2020;
- Subdivision 4 of section 1 of chapter 25 of the laws of 2020 is modified to the extent necessary to provide that in addition to any

travel to a country for which the Centers for Disease Control and Prevention has a level two or three travel health notice, an employee shall not be eligible for paid sick leave benefits or any other paid benefits pursuant to this chapter if such employee voluntarily travels which commences after June 25, 2020 to a state with a positive test rate higher than 10 per 100,000 residents, or higher than a 10% test positivity rate, over a seven day rolling average, and which the commissioner of the department of health has designated as meeting these conditions as outlined in the advisory issued pursuant to Executive Order 205, and the travel was not taken as part of the employee's employment or at the direction of the employee's employer;

- Section 28-66 of the Charter of the City of Buffalo, to the extent necessary to allow the Mayor to waive the additions prescribed therein on unpaid 2019-2020 city taxes for the months of April, May and June of 2020, and to require payments of 2019-2020 city taxes that are made after June 30, 2020 to be made without additions for the months of April, May and June of 2020;

IN ADDITION, by virtue of the authority vested in me by Section 925-a of the Real Property Tax Law to extend during a State disaster emergency the period for paying property taxes without interest or penalties upon request of the chief executive officer of an affected county, city, town, village or school district, I do hereby extend by twenty-one days the period for paying, without interest or penalty, property taxes that are due in the following localities that have requested such an extension: Village of Ossining, Westchester County; Village of Pomona, Rockland County;

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 this Executive Order through July 26, 2020:

- The directive contained in Executive Order 202.35, as extended and as amended by Executive Order 202.38 and Executive Order 202.42, which amended the directive in Executive Order 202.10 that limited all non-essential gatherings, is hereby further modified to allow gatherings of fifty (50) or fewer individuals for any lawful purpose or reason, so long as any such gatherings occurring indoors do not exceed 50% of the maximum occupancy for a particular indoor area, and provided that the location of the gathering is in a region that has reached Phase 4 of the State's reopening, and provided further that social distancing, face covering, and cleaning and disinfection protocols required by the Department of Health are adhered to.
- Executive Order 202.41, which extended the provisions of Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13, 202.14, 202.28, 202.31, 202.34, and 202.35 which each closed or otherwise restricted public or private businesses or places of public accommodation, is hereby continued until and unless later amended or extended by a future Executive Order, provided, however:
 - o That effective on June 26, 2020, the reductions and restrictions on the in-person workforce at non-essential businesses or other entities shall no longer apply to Phase Four industries, as determined by the Department of Health, in eligible regions, including:
 - Higher Education;
 - Film and Music Production;
 - Low-risk indoor arts and entertainment;
 - Low-risk outdoor arts and entertainment; and
 - Professional Sports without fans.
 - o Businesses or entities in industries open in Phase Four must be operated in compliance with the guidance promulgated by the Department of Health.
 - o As of June 26, 2020 the regions meeting the prescribed public health and safety metrics required for Phase Four reopening are: Finger Lakes, Central New York, Mohawk Valley, Southern Tier, and the North Country. Any additional regions which meet the criteria after such date will be deemed to be incorpo-

rated into this Executive Order without further revision and will be permitted to re-open Phase Four industries, subject to the same terms and conditions.

- o Any previous directive that restricted operation of any industry, business, or facility that is permitted to open in Phase One, Phase Two, Phase Three, or Phase Four is hereby superseded, only insofar as it is inconsistent with any Executive Order allowing businesses, industries, and facilities to reopen.
- The directive contained in Executive Order 202.44 regarding elective surgeries is hereby amended to provide that the directive contained in Executive Order 202.10 authorizing the Commissioner of Health to direct all general hospitals, ambulatory surgery centers, office-based surgery practices and diagnostic and treatment centers to increase the number of beds available to patients, including by canceling all elective surgeries and procedures, is hereby modified to authorize general hospitals to perform elective surgeries and procedures so long as the established criteria are met currently, whether or not such criteria were met on the dates set forth in such directive, and as modified by the June 14th Department of Health guidance.
- Executive Order 202.34, which extended the directive contained in Executive Orders 202.28, 202.18, 202.14 and 202.4 as amended by Executive Order 202.11 related to the closure of schools statewide, is hereby continued to provide that all schools shall remain closed to in-person instruction except for the purpose of provision of special education services. School districts must ensure the availability of meals, and child care, with an emphasis on serving children of essential workers. Meals may be provided by an alternative entity, provided that the school district shall be responsible for ensuring that all children have access to free meals. Should the students not have access through an alternative entity, the school district must provide the meals.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-sixth day of June in the year two thousand twenty.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

Executive Order No. 204: Declaring Juneteenth a Holiday for New York State Employees.

WHEREAS, the news of liberation of slaves came to Texas more than two years after President Abraham Lincoln's Emancipation Proclamation went into effect on January 1, 1863; African Americans across the state were made aware of their right to freedom on June 19, 1865, when Major General Gordon Granger arrived in Galveston with federal troops to read General Order No. 3 announcing the end of the Civil War and that all enslaved people were now free, as well as to maintain a presence in Texas for the purpose of enforcement of emancipation among slave-owners throughout the state; and

WHEREAS, the Empire State has a tradition of acknowledging significant milestones in advancing the cause of freedom, and New Yorkers, some of whom descend directly from those brave men and women that gained freedom on that day, join in celebrating the 155th anniversary of Juneteenth, an observance that commemorates the official announcement made in the State of Texas regarding the abolition of slavery and the freeing of some quarter-million African Americans; and

WHEREAS, the observance of Juneteenth honors the history, perseverance, and achievements of African Americans, and celebrates America's progress and continuing commitment to realizing the principles of liberty and equality upon which our nation was founded; and

WHEREAS, this observance is a reminder of the hardships and losses suffered by African Americans in their struggle to attain

freedom, and we pay tribute to the memory of those who made the ultimate sacrifice in this quest; through their experiences and those of others who were successful in achieving victory, we find among the most poignant and valuable lessons of humankind that continue to resonate with people of all backgrounds; and

WHEREAS, the official emancipation of African Americans throughout the United States literally and figuratively opened doors of opportunity that enabled following generations to contribute immeasurably to our nation’s richness, equality of citizens, and global leadership, and today communities across our state – from Brooklyn to Buffalo – mark the anniversary of Juneteenth with appropriate commemoration; and

WHEREAS, it is fitting that all New Yorkers join to commemorate such an important day in our nation’s history, as we take this opportunity to reflect upon and rejoice in the freedom and civil rights that we all share as Americans;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the Constitution of the State of New York, specifically Article IV, section one, and the laws of the state of New York do hereby recognize June 19, 2020 as Juneteenth, which shall be a holiday for state employees, who if not required to work, shall be entitled to leave at full pay without charge to existing accruals and for those employees who are required to work, they shall receive one day of compensatory time.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this seventeenth day of June in the year two thousand twenty.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 205: Quarantine Restrictions on Travelers Arriving in New York.

WHEREAS, the State of New York has successfully slowed the transmission of COVID-19;

WHEREAS, the State of New York has gone from having the highest infection rate to one of the lowest in the country and is one of only a few states reported to be on track to contain COVID-19;

WHEREAS, the Governor has undertaken a cautious, incremental and evidence-based approach to reopening the State of New York;

WHEREAS, other states that may have taken a less cautious approach are experiencing an increased prevalence of COVID-19;

WHEREAS, New York must work in conjunction with its neighboring states of New Jersey and Connecticut, in light of the significant risk posed to the health and welfare of all residents by the further spread of COVID-19 to the tristate area, to protect the progress made;

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, in particular Article IV, section one, I do hereby order and direct as follows:

The commissioner of the Department of Health to issue a travel advisory to be communicated widely at all major points of entry into New York, including on highway message boards and in all New York airports, that:

All travelers entering New York from a state with a positive test rate higher than 10 per 100,000 residents, or higher than a 10% test positivity rate, over a seven day rolling average, will be required to quarantine for a period of 14 days consistent with Department of Health regulations for quarantine.

The Commissioner may issue additional protocols for essential workers, or for other extraordinary circumstances, when a quarantine is not possible, provided such measures continue to safeguard the public health.

The criteria and the protocols will be coordinated with New Jersey

and Connecticut Commissioners of Health, in order to ensure that the tristate area is protected from community transmission of COVID-19, while permitting free travel between and among the states.

The Commissioner of Health in New York shall make public the impacted jurisdictions on its website and such travel advisory will be effective at 12:01 a.m. on June 25, 2020, until rescinded by the Commissioner.

Any violation of a quarantine or isolation order issued to an individual pursuant to the Commissioner of the Department of Health’s travel advisory by a local department of health or state department of health may be enforced pursuant to article 21 of the public health law, and non-compliance may additionally be deemed a violation pursuant to section 12 of the public health law subject to a civil penalty of up to \$10,000.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-fourth day of June in the year two thousand twenty.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

COURT NOTICES

AMENDMENT OF RULE

Court of Appeals

At a session of the Court, held at Court of Appeals Hall in the City of Albany, on the 1st day of July, 2020

Present, HON. JANET DiFIORE, Chief Judge presiding.

In the Matter of The Amendment of the Rules of the Court of Appeals to add a new Part 524 thereof for the Temporary Authorization of Certain Law Graduates to Engage in the Supervised Practice of Law in New York.

Pursuant to section 53 of the Judiciary Law, it is hereby

ORDERED that the Rules of the Court of Appeals are amended, effective July 22, 2020, or as soon thereafter as section 52 of the Judiciary Law is complied with, by adding a new Part 524 thereof pertaining to the Temporary Authorization of Certain Law Graduates to Engage in the Supervised Practice of Law in New York. Part 524 provides as follows:

RULES OF THE COURT OF APPEALS FOR THE TEMPORARY AUTHORIZATION OF CERTAIN LAW GRADUATES TO ENGAGE IN THE SUPERVISED PRACTICE OF LAW IN NEW YORK

524.1 Temporary authorization for supervised practice of law.

The Appellate Division of the Supreme Court, in its discretion, may authorize certain law school graduates to engage in the supervised practice of law in accordance with the provisions of this Part. These provisions have been adopted in recognition of the impact of the coronavirus health emergency, including the postponement of the July 2020 New York State bar examination.

524.2 Eligibility of law graduates for temporary authorization.

To be eligible for authorization to engage in the supervised practice of law pursuant to this Part, the applicant must:

(a) have received a first degree in law or LL.M. degree from a law school that is approved by the American Bar Association,

(b) be qualified to take the New York State bar examination pursuant to the Rules for the Admission of Attorneys and Counselors-at-Law (22 NYCRR Part 520),

(c) not have previously failed a bar examination in New York or any other state or territory of the United States, or in the District of Columbia, and

(d) be employed to engage in the practice of law in New York.

524.3 Scope of supervised practice.

(a) With the approval of the Appellate Division of the Supreme Court, the applicant is authorized to perform, under the supervision of a supervising attorney and subject to the terms of the order of the Appellate Division of the Supreme Court, and subject to the limitations set forth in paragraph (b) below, the functions of an attorney and counselor-at-law throughout the State.

(b) Limitations on authorized practice.

(1) A supervising attorney shall be actually present to supplement or correct any written or oral statement, or any action of the applicant in all (i) examinations before trial and (ii) cases in which the applicant appears before a court, except for routine calendar calls. If a supervising attorney is not available and present, the matter may not proceed. For routine calendar calls, a supervising attorney shall be immediately available to appear should the need arise. In all circumstances, the applicant's appearance shall be on notice to the jurist before whom the appearance is made.

(2) A supervising attorney must approve the final versions of all legal and litigation documents drafted by the applicant, and the supervising attorney's name must appear thereon. Where a signature is required by section 130 of the Rules of the Chief Administrator of the Courts (22 NYCRR Part 130), the paper shall be signed by a qualified supervisor.

(3) The applicant may not open or maintain any attorney escrow account and may not be a signatory on any attorney escrow account.

(4) The applicant may not finally dispose of any matter without the prior approval of a supervising attorney.

(5) Whenever appearing before the Court of Appeals or the Appellate Division of the Supreme Court, the applicant must secure prior Court approval.

(c) Nothing in this Part shall be construed to limit any authority to practice law pursuant to other rules or laws of this State.

524.4 Supervising attorney.

For purposes of section 524.3, a supervising attorney must be an attorney duly admitted to practice in the State of New York for a period of at least three years and who is in good standing of the bar of the State of New York.

524.5 Application for authorization.

The applicant shall apply for authorization to the Appellate Division of the Supreme Court in the department in which the applicant expects to be certified for admission by the New York State Board of Law Examiners pursuant to section 520.7(a) of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors-at-Law (22 NYCRR 520.7[a]). The application shall be supported by an employer affidavit certifying understanding of this Part's requirements and compliance therewith.

524.6 Disciplinary authority.

An applicant who practices law temporarily in this State pursuant to this Part shall be subject to the New York Rules of Professional Conduct and to the disciplinary authority of this State in connection with such temporary practice to the same extent as if the applicant were admitted or authorized to practice in the State. A grievance committee may report complaints and evidence of a disciplinary violation against an applicant practicing temporarily pursuant to this Part to the department of the Appellate Division of the Supreme Court in which the applicant applied for authorization.

524.7 Termination of authorization.

Authorization granted under the provisions of this Part shall terminate upon the first to occur of the following:

(a) revocation of this Part,

(b) revocation of authorization, for good cause, by the Appellate Division of the Supreme Court,

(c) termination of the applicant's employment to engage in the practice of law in New York,

(d) notification that the applicant has failed to pass a bar examination administered in New York or any other state or territory of the United States, or in the District of Columbia,

(e) failure of the applicant to sit for an administration of the Uniform Bar Examination by August 2021,

(f) failure of the applicant to submit a completed Application for Admission to Practice as an Attorney and Counselor-at-Law in the State of New York to the applicable Appellate Division of the Supreme Court within four weeks of notification that the applicant has passed

the Uniform Bar Examination or failure, following the submission of such completed Application, to timely respond to any request for additional materials, or

(g) notification that a recommendation has been made to the applicable Committee on Character and Fitness to disapprove the applicant's application for admission.