

---

**NEW YORK STATE**

---

**REGISTER**

---

***INSIDE THIS ISSUE:***

- To Require Districts to Authorize Up to Eight Hours of Child Care Assistance, as Needed, to Assist Parents or Caretakers
- Addressing the COVID-19 Crisis
- Hospital Personal Protective Equipment (PPE) Requirements

**Notice of Availability of State and Federal Funds**

**Executive Orders**

**Concurrent Resolutions**

---

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 October 4, 2020
- the 45-day period expires on September 19, 2020
- the 30-day period expires on September 4, 2020

**ANDREW M. CUOMO  
GOVERNOR**

**ROSSANA ROSADO  
SECRETARY OF STATE**

**NEW YORK STATE DEPARTMENT OF STATE**

For press and media inquiries call:  
(518) 474-0050

For *State Register* production, scheduling and subscription information  
call: (518) 474-6957  
E-mail: adminrules@dos.ny.gov

For legal assistance with *State Register* filing requirements  
call: (518) 474-6740  
E-mail: dos.dl.inetcounsel@dos.ny.gov

The *New York State Register* is now available on-line at:  
[www.dos.ny.gov/info/register.htm](http://www.dos.ny.gov/info/register.htm)



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

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

 printed on recycled paper

---

# 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](http://www.dos.ny.gov)) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

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

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

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

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

---

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

The *Register* costs \$80 a year for a subscription mailed first class and \$40 for periodical (second) class. Prepayment is required. To order, send a check or money order payable to the NYS Department of State to the following address:

NYS Department of State  
One Commerce Plaza  
99 Washington Avenue  
Suite 650  
Albany, NY 12231-0001  
Telephone: (518) 474-6957



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

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

## **Rule Making Activities**

### **Children and Family Services, Office of**

- 1 / To Require Districts to Authorize Up to Eight Hours of Child Care Assistance, as Needed, to Assist Parents or Caretakers (EP)

### **Civil Service, Department of**

- 2 / Jurisdictional Classification (A)

### **Education Department**

- 5 / Addressing the COVID-19 Crisis (ERP)

### **Financial Services, Department of**

- 9 / Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure (RP)

### **Health, Department of**

- 11 / Hospital Personal Protective Equipment (PPE) Requirements (E)
- 13 / Hospital Non-Comparable Ambulance Acute Rate Add-On (EP)

### **Metropolitan Transportation Agency**

- 14 / Debarment of Contractors (A)

### **Public Service Commission**

- 15 / Joint Proposal for Merger and Establishment of a Four-year Rate Plan (A)
- 15 / Staff Rate Design for Mass Market Net Metering Successor Tariff Whitepaper (A)
- 15 / Submetering of Electricity (A)
- 15 / EV Make-Ready Program and Other Programs (A)
- 16 / Transfer of All Water Assets and Dissolution of the Company (A)
- 16 / Transfer of All Assets (A)
- 16 / Transfer of Property (A)
- 16 / Tariff Amendments (A)
- 17 / Transfer of Street Lighting Facilities (A)
- 17 / Tariff Amendments (A)
- 18 / Petition for Corporate Restructuring, Transfer of Assets, and a Lightened Regulatory Regime (A)
- 18 / Authority to Issue and Sell Promissory Notes (P)
- 18 / Submetering of Electricity (P)
- 19 / Changes to PSL Section 66-p Relating to Billing Information for Residential Rental Premises (P)
- 19 / Authority to Issue and Sell Long-Term Indebtedness, Preferred Stock, Hybrid Securities and to Enter into Derivative Instruments (P)
- 19 / Transfer of Street Lighting Facilities (P)
- 20 / Submetering of Electricity (P)
- 20 / Partial Waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process (P)
- 21 / Submetering of Electricity and Waiver of Energy Audit (P)
- 21 / Submetering of Electricity (P)

### **Workers' Compensation Board**

- 21 / Allowing Telemedicine in Some Circumstances, Supersede Previous Emergency Adoption (E)

## **Hearings Scheduled for Proposed Rule Makings / 23**

## **Action Pending Index / 25**

### **Advertisements for Bidders/Contractors**

75 / Sealed Bids

### **Notice of Availability of State and Federal Funds**

77 / Environmental Facilities Corporation

78 / Housing and Community Renewal, Division of

### **Miscellaneous Notices/Hearings**

79 / Notice of Abandoned Property Received by the State Comptroller

79 / Public Notice

### **Executive Orders**

85 / Executive Order No. 147.34: Amendment to Executive Order 147 - A Special Prosecutor to Investigate and Prosecute Matters Relating to the Deaths of Civilians Caused by Law Enforcement Officers.

85 / Executive Order No. 147.35: Amendment to Executive Order 147 - A Special Prosecutor to Investigate and Prosecute Matters Relating to the Deaths of Civilians Caused by Law Enforcement Officers.

85 / Executive Order No. 147.36: Amendment to Executive Order 147 - A Special Prosecutor to Investigate and Prosecute Matters Relating to the Deaths of Civilians Caused by Law Enforcement Officers.

85 / Executive Order No. 147.37: Amendment to Executive Order 147 - A Special Prosecutor to Investigate and Prosecute Matters Relating to the Deaths of Civilians Caused by Law Enforcement Officers.

86 / Executive Order No. 147.38: Amendment to Executive Order 147 - A Special Prosecutor to Investigate and Prosecute Matters Relating to the Deaths of Civilians Caused by Law Enforcement Officers.

86 / Executive Order No. 168.38: Continuing the Declaration of a Disaster Emergency in the Five Boroughs of New York City and the Counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester that Incorporate the MTA Region in the State of New York.

86 / Executive Order No. 198.8: Continuing the Declaration of Disaster Emergency in the Counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne.

86 / Executive Order No. 202.47: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

88 / Executive Order No. 202.48: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

89 / Executive Order No. 202.49: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

89 / Executive Order No. 202.50: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

90 / Executive Order No. 202.51: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

90 / Executive Order No. 202.52: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

### **Concurrent Resolutions / 91**

# RULE MAKING ACTIVITIES

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

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

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

---

---

## Office of Children and Family Services

---

---

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

#### To Require Districts to Authorize Up to Eight Hours of Child Care Assistance, as Needed, to Assist Parents or Caretakers

**I.D. No.** CFS-31-20-00001-EP

**Filing No.** 437

**Filing Date:** 2020-07-17

**Effective Date:** 2020-07-17

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

**Proposed Action:** Amendment of Part 415 of Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 20(3)(d), 34(3)(f) and 410-w

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

**Specific reasons underlying the finding of necessity:** This rule is in response to Chapter 344 of the Laws of 2019, which amended SSL 410-w to add a new subdivision (9) to require districts to authorize up to eight hours of child care assistance, as needed, to allow parents or caretakers who work non-traditional hours to sleep, if they are eligible for and provided with child care assistance, and have a child who is under the age of 6 and not in school for a full day. Previously, this was a district option. To achieve compliance with the requirements of Chapter 344 of the Laws of 2019, this emergency rule changes Title 18 of the Official Compilation of

Codes, Rules and Regulations of the State of New York Section 415.4(c)(3).

**Subject:** To require districts to authorize up to eight hours of child care assistance, as needed, to assist parents or caretakers.

**Purpose:** To require districts to authorize up to eight hours of child care assistance, as needed, to assist parents or caretakers.

**Text of emergency/proposed rule:** Part 415 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) is hereby amended to read as follows:

Paragraph (3) of subdivision (c) of section 415.4 is amended to read as follows:

(3) The child care services provided must be reasonably related to the hours of employment, education or training of a child's caretaker, as applicable, and permit time for delivery and pick-up of the child. *Child care services must be provided, if needed, to enable an employed caretaker who works non-traditional hours to obtain up to eight hours of sleep if they have a child who is under the age of 6 and not in school for a full day.* [Up to eight hours of c] Child care services may be provided, if needed, to enable [an] other employed caretakers who work[s a second or third shift] non-traditional hours to obtain up to eight hours of [to] sleep if the social services district indicates in its [consolidated services plan or integrated county p] *Child and Family Services Plan* that it will provide such services.

**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 14, 2020.

**Text of rule and any required statements and analyses may be obtained from:** Frank J. Nuara, Office of Children and Family Services, 52 Washington St., Rensselaer. NY 12144, (914) 589-3096, email: REGCOMMENTS@ocfs.ny.gov

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

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

#### Regulatory Impact Statement

1) Statutory Authority:

Section 20(3)(d) of the Social Services Law (SSL) authorizes the Commissioner of the Office of Children and Family Services (Office) to establish rules, regulations, and policies to carry out the Office's powers and duties under the SSL.

Section 34(3)(f) of SSL authorizes the Commissioner of the Office to establish regulations for the administration of public assistance and care within the State.

Section 410(1) of the SSL authorizes a social services official of a county, city, or town to provide day care for children at public expense and authorizes the Office to establish criteria for when such day care is to be provided.

Section 410-w(9) of the SSL requires a social services district to use funds allocated to it from the child care block grant to provide child care assistance to eligible parents and caretaker recipients when necessary to enable them to sleep because they work non-traditional hours and have a child who is under the age of 6 and not in school for a full school day. The authorization for child care assistance shall be sufficient to allow the parent to obtain up to eight hours of sleep, as needed.

2) Legislative Objectives:

To provide child care to eligible parents and caretaker recipients in families with a child under the age of 6 not in school for a full school day, and who work non-traditional hours, when necessary to enable them to get up to eight hours of sleep.

3) Needs and Benefits:

These changes are necessary to implement the amendment to the social services law, in relation to providing child care to eligible parents and caretaker recipients in families with a child under the age of 6 not in school for a full day, and who work non-traditional hours, when necessary to enable them to get up to eight hours of sleep, as needed. The proposed

changes provide a meaningful benefit to eligible families, as sleep subsidy was previously a district option but is now required for families that meet the criteria.

4) Costs:

The costs associated with the proposed changes in the child care regulations are required under state law and will be allowable expenditures under the child care block grant.

5) Local Government Mandates:

Local social services districts will be responsible for modification of their Child and Family Services Plan and determining eligibility for the required subsidy.

6) Paperwork:

There will be minor adjustments to the eligibility and authorization paperwork associated with implementing the requirements.

7) Duplication:

The new regulations do not duplicate state or federal requirements.

8) Alternatives:

There are no alternatives. The regulations are necessary to implement statute.

9) Federal Standards:

This rule is consistent with applicable federal requirements.

10) Compliance Schedule:

The proposed regulations will become effective upon filing.

**Regulatory Flexibility Analysis**

1) Effect on Small Businesses and Local Governments:

This regulation will help to support the needs of small businesses and local governments by uniformly requiring districts to provide child care assistance to eligible families, sufficient to allow a parent to obtain up to eight hours of sleep, as needed. When parents are able to obtain needed sleep without worrying about child care needs it has the potential to make them more efficient and thus improve the outcomes for small businesses.

2) Compliance Requirements:

In response to Chapter 344 of the Laws of 2019, which amended SSL 410-w to add a new subdivision (9), districts are now required to authorize up to eight hours of child care assistance, as needed, to allow eligible parents or caretaker recipients who work non-traditional hours to sleep, if they are eligible for and provided with child care assistance, and have a child who is under the age of 6 and not in school for a full day. This rule amends Title 18 of the New York State Codes, Rules and Regulations (NYCRR) Section 415.4(c)(3).

3) Professional Services:

There is no anticipated impact on professional services.

4) Compliance Costs:

The costs associated with the proposed changes are anticipated to be minimal and are allowable expenditures under the child care block grant.

5) Economic and Technological Feasibility:

There are no economic or technological impacts on child care programs or local districts.

6) Minimizing Adverse Impact:

There is no anticipated adverse impact on small businesses or on local governments.

7) Small Business and Local Government Participation:

OCFS will provide guidance and outreach to small businesses, local districts and local governments that are impacted by the new regulation.

**Rural Area Flexibility Analysis**

1) Types and Estimated Numbers of Rural Areas

The proposed regulations will apply to eligible families utilizing any modality of regulated child care program operating in the 44 rural areas of the state.

2) Reporting, Recordkeeping and Other Compliance Requirements; and Professional Services

There would be minor adjustments required to administrative functions related to determining eligibility and recordkeeping associated with the proposed changes for districts. The changes to the child care regulations are necessary to implement the requirements of statute.

3) Costs

The costs associated with the proposed changes are anticipated to be minimal. These costs are required under state law and will be allowable expenditures under the child care block grant.

4) Minimizing Adverse Impact

The Office does not anticipate any adverse impact to the child care subsidy program in rural areas as a result of the proposed regulations.

5) Rural Area Participation

The statute requires implementation uniformly across the state. OCFS will provide guidance and outreach to small businesses, local districts and local governments that are impacted by the new regulation.

**Job Impact Statement**

1) Nature of Impact

The regulations are not expected to have a negative impact on jobs or

employment in either the public or private sector. These regulations could positively impact child care providers in all regions of New York State by providing necessary support for child care, which allows parents to maintain and/or increase employment.

2) Categories and Numbers Affected

There is no anticipated negative impact on jobs or employment in either the public or private sector, and in fact there could be a positive impact on jobs in the child care market.

3) Regions of Adverse Impact

Potential impact would be across all regions. There are no regions where the regulations would have a disproportionate adverse impact on jobs or employment opportunities.

4) Minimizing Adverse Impact

No adverse impact is anticipated.

---



---

## Department of Civil Service

---



---

### NOTICE OF ADOPTION

**Jurisdictional Classification**

**I.D. No.** CVS-34-19-00011-A

**Filing No.** 449

**Filing Date:** 2020-07-21

**Effective Date:** 2020-08-05

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To delete positions from and classify positions in the non-competitive class.

**Text or summary was published** in the August 21, 2019 issue of the Register, I.D. No. CVS-34-19-00011-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

**Assessment of Public Comment**

The agency received no public comment.

### NOTICE OF ADOPTION

**Jurisdictional Classification**

**I.D. No.** CVS-42-19-00010-A

**Filing No.** 444

**Filing Date:** 2020-07-21

**Effective Date:** 2020-08-05

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

**Action taken:** Amendment of Appendix 1 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class.

**Text or summary was published** in the October 16, 2019 issue of the Register, I.D. No. CVS-42-19-00010-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

**Assessment of Public Comment**

The agency received no public comment.



**NOTICE OF ADOPTION****Jurisdictional Classification****I.D. No.** CVS-42-19-00014-A**Filing No.** 442**Filing Date:** 2020-07-21**Effective Date:** 2020-08-05

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

**Action taken:** Amendment of Appendix 1 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify a position in the exempt class.**Text or summary was published** in the October 16, 2019 issue of the Register, I.D. No. CVS-42-19-00014-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION****Jurisdictional Classification****I.D. No.** CVS-42-19-00020-A**Filing No.** 448**Filing Date:** 2020-07-21**Effective Date:** 2020-08-05

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the non-competitive class.**Text or summary was published** in the October 16, 2019 issue of the Register, I.D. No. CVS-42-19-00020-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION****Jurisdictional Classification****I.D. No.** CVS-42-19-00021-A**Filing No.** 445**Filing Date:** 2020-07-21**Effective Date:** 2020-08-05

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the non-competitive class.**Text or summary was published** in the October 16, 2019 issue of the Register, I.D. No. CVS-42-19-00021-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION****Jurisdictional Classification****I.D. No.** CVS-42-19-00023-A**Filing No.** 441**Filing Date:** 2020-07-21**Effective Date:** 2020-08-05

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the non-competitive class.**Text or summary was published** in the October 16, 2019 issue of the Register, I.D. No. CVS-42-19-00023-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION****Jurisdictional Classification****I.D. No.** CVS-42-19-00024-A**Filing No.** 447**Filing Date:** 2020-07-21**Effective Date:** 2020-08-05

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To delete positions from and classify positions in the non-competitive class.**Text or summary was published** in the October 16, 2019 issue of the Register, I.D. No. CVS-42-19-00024-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION****Jurisdictional Classification****I.D. No.** CVS-45-19-00003-A**Filing No.** 443**Filing Date:** 2020-07-21**Effective Date:** 2020-08-05

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify a position in the non-competitive class.**Text or summary was published** in the November 6, 2019 issue of the Register, I.D. No. CVS-45-19-00003-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

**Assessment of Public Comment**

The agency received no public comment.

### NOTICE OF ADOPTION

**Jurisdictional Classification**

**I.D. No.** CVS-45-19-00004-A

**Filing No.** 450

**Filing Date:** 2020-07-21

**Effective Date:** 2020-08-05

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

**Action taken:** Amendment of Appendix 1 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class.

**Text or summary was published** in the November 6, 2019 issue of the Register, I.D. No. CVS-45-19-00004-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

**Assessment of Public Comment**

The agency received no public comment.

### NOTICE OF ADOPTION

**Jurisdictional Classification**

**I.D. No.** CVS-45-19-00005-A

**Filing No.** 451

**Filing Date:** 2020-07-21

**Effective Date:** 2020-08-05

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To delete positions from and classify a position in the non-competitive class.

**Text or summary was published** in the November 6, 2019 issue of the Register, I.D. No. CVS-45-19-00005-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

**Assessment of Public Comment**

The agency received no public comment.

### NOTICE OF ADOPTION

**Jurisdictional Classification**

**I.D. No.** CVS-45-19-00006-A

**Filing No.** 453

**Filing Date:** 2020-07-21

**Effective Date:** 2020-08-05

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To delete positions from the non-competitive class.

**Text or summary was published** in the November 6, 2019 issue of the Register, I.D. No. CVS-45-19-00006-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

**Assessment of Public Comment**

The agency received no public comment.

### NOTICE OF ADOPTION

**Jurisdictional Classification**

**I.D. No.** CVS-45-19-00007-A

**Filing No.** 452

**Filing Date:** 2020-07-21

**Effective Date:** 2020-08-05

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

**Action taken:** Amendment of Appendixes 1 and 2 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class.

**Text or summary was published** in the November 6, 2019 issue of the Register, I.D. No. CVS-45-19-00007-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

**Assessment of Public Comment**

The agency received no public comment.

### NOTICE OF ADOPTION

**Jurisdictional Classification**

**I.D. No.** CVS-45-19-00009-A

**Filing No.** 446

**Filing Date:** 2020-07-21

**Effective Date:** 2020-08-05

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

**Action taken:** Amendment of Appendix 1 of Title 4 NYCRR.

**Statutory authority:** Civil Service Law, section 6(1)

**Subject:** Jurisdictional Classification.

**Purpose:** To delete a position from and classify a position in the exempt class.

**Text or summary was published** in the November 6, 2019 issue of the Register, I.D. No. CVS-45-19-00009-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

**Assessment of Public Comment**

The agency received no public comment.

## Education Department

### NOTICE OF EMERGENCY ADOPTION AND REVISED RULE MAKING NO HEARING(S) SCHEDULED

#### Addressing the COVID-19 Crisis

**I.D. No.** EDU-16-20-00002-ERP

**Filing No.** 436

**Filing Date:** 2020-07-17

**Effective Date:** 2020-07-17

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

**Action Taken:** Amendment of sections 52.3, 52.21, 57-4.5, 70.4, 74.6, 75.2, 76.2, 79-9.3, 79-10.3, 79-11.3, 79-12.3, 80-1.5, 80-1.13, 80-3.15, 80-4.3, 83.5, 87.2, 87.5, 100.2, 100.4, 100.5, 100.6, 100.10, 100.21, 119.1, 119.5, 125.1, 151-1.4, 154-2.3, 175.5, 200.4, 200.5, 200.7, 200.20, 275.8; addition of section 279.5 to Title 8 NYCRR.

**Statutory authority:** Education Law, sections 101, 112, 207, 208, 215, 301, 305, 310, 311, 1704, 1709, 2117, 2651, 2852, 2854, 2856, 3001, 3001-d, 3003, 3004, 3004-c, 3009, 3035, 3204, 3205, 3210, 3212, 3214, 3602, 3602-c, 3602-e, 3604, 3713, 4402, 4403, 4404, 4410, 6501, 6504, 6506, 6507, 7404, 7904, 7904-a and 8206

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

**Specific reasons underlying the finding of necessity:** On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020, the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis, including orders directing the closure of schools for the remainder of the school year and summer school and directing nonessential work personnel to work from home. In response, the Department adopted emergency regulations at the April, May, and June 2020 Board of Regents meetings to address numerous issues resulting from the interruptions caused by the COVID-19 Crisis. The Department presented this proposed amendment to the Full Board for adoption as an emergency action at its April 2020 meeting, effective April 7, to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. At the May 2020 Board of Regents meeting, the Department revised the proposed emergency regulation to provide clarification and additional flexibility for regulatory requirements in response to the COVID-19 crisis, effective May 5, 2020. At the June 2020 Regents meeting the Department made additional revisions to the proposed emergency regulation relating to home instruction annual assessments to provide further flexibility for regulatory requirements in response to the COVID-19 crisis, effective June 9, 2020. The Department has made additional revisions to the proposed emergency regulation to provide additional flexibility relating to the instructional hour requirements for state aid purposes, effective July 17, 2020. The proposed amendment provides flexibility related to the following:

- Instructional day and hour requirements;
- The service of pleadings and supporting papers for appeals to the Commissioner pursuant to Education Law § 310;
- Charter school lotteries, reporting requirements, and payments by public school districts to Charter schools;
- Annual visits to nonpublic nursery schools and kindergartens by Department staff;
- Annual assessments for homeschool students;
- Continuous experience requirements for certain professions;
- Examination timeframe requirements for Public Accounting applicants;
- Educational program requirements for licensure in a profession under Title VII of the Education Law;
- In person supervision experience requirements for certain professions;
- Filing and submission timelines for Part 83 and Part 87 appeals to the Commissioner;
- The definition of the term “prospective school employee”;

- Certain procedures and timeframes for special education due process hearings;
- Timeframes related to special education programs and services;
- Filings with the Office of State Review;
- Certain timelines relating to Bilingual education;
- English language learners’ annual assessment;
- Unit of study requirements;
- Required Dignity for All Students Act (DASA) training;
- Teacher performance assessments (edTPA);
- Statement of continued eligibility (SOCE) and limited extension application deadline and special education full-time teaching experience deadline; and
- School and district accountability.

Because 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 201(4-a), is the October 2020 Regents meeting. However, because the COVID-19 crisis is presently affecting the State of New York, a fourth emergency action is necessary for the preservation of public health and the general welfare in order to immediately provide flexibility for certain regulatory requirements in response to the COVID-19 crisis.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the October 2020 Regents meeting, which is the first scheduled meeting after the 45-day public comment period prescribed in SAPA for State agency rule makings. However, since the emergency regulation will expire before the October meeting, it is anticipated that an additional emergency action will be presented for adoption at the September 2020 Regents meeting.

**Subject:** Addressing the COVID-19 Crisis.

**Purpose:** To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis.

**Substance of emergency/revised rule (Full text is posted at the following State website: <http://www.counsel.nysed.gov/rulesandregs>):** On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020 the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis including orders directing the closure of schools and directing non-essential work personnel to work from home. Therefore, it is necessary for the Department to adopt emergency regulations to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. The proposed revisions are summarized as follows:

- State Aid
  - o Permits public school districts, public schools and charter schools to operate for less than 180 days during the 10 month school year for any school day that is closed pursuant to an Executive Order for the COVID-19 crisis and waived from the 180-day requirement pursuant to the terms of such Executive Order(s).
  - o Provides a waiver from the annual instructional hour requirement for the 2019-20 and 2020-21 school years if a school district is unable to meet such requirement due to an Executive Order(s) of the Governor pursuant to the State of emergency declared for the COVID-19 crisis, or pursuant to Education Law § 3604(8), or due to reopening procedures implemented as a result of the COVID-19 crisis, provided that the district meets certain prescribed requirements.
- 310 Appeals to the Commissioner
  - o Permits service of pleadings and supporting papers for appeals to the Commissioner pursuant to Education Law § 310 by alternative means during the time period of any movement restrictions or school closures directed by the Governor pursuant to an Executive Order during the COVID-19 crisis.
- Charter Schools
  - o Permits the Commissioner to excuse delays in required reporting by charter schools to public schools for the length of time of a school closure ordered pursuant to an Executive Order of the Governor pursuant to a State of emergency for the COVID-19 crisis, provided such delay does not exceed 30 days. When there is a delay in reporting by a charter school, the amendments also permit the Commissioner to excuse any delay in payment by a public school to a charter school, provided such delay does not exceed 30 days.
  - o Requires charter schools to provide notice on their website of the date, time and place of lotteries for the random selection process for charter school student applicants if such lottery is provided during a school closure ordered pursuant to an Executive Order of the Governor pursuant to a State of emergency for the COVID-19 crisis. Additionally, the amend-

ments permit such lotteries to be held remotely, provided that the public has the opportunity to view or listen and such lottery is recorded and later transcribed.

- Early Learning
  - o Permits prekindergarten programs to operate for less than the 180-day and 90-day requirements where such programs were scheduled to operate, but the school where such program operates is closed pursuant to an Executive Order of the Governor pursuant to the State of emergency for the COVID-19 crisis.
  - o Permits Department staff who are unable to conduct their annual visit of nonpublic nursery schools and kindergartens as required by paragraph(c) of such section because they are closed pursuant to an Executive Order of the Governor pursuant to the State of emergency for the COVID-19 crisis, to conduct such annual visit as soon as practicable when they reopen.
- Home Instruction
  - o Provides that home instruction programs shall be exempt from the annual assessment and alternative evaluation requirements for the 2019-20 school year where a student otherwise achieves the learning outcomes in accordance with their individualized home instruction plan (IHIP).
- Professions
  - o Allows the Department to excuse the continuous experience requirements for speech language pathology, audiology, and occupational therapy where such continuous experience cannot be completed due to the State of Emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.
  - o Allows the Department to accept passing examination scores from Public Accounting applicants that are outside the required 18 month examination window where such examinations cannot be completed within 18 months due to the State of Emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.
  - o Allows the Department to modify professional educational program requirements for licensure, to the extent authorized by law, if such requirements cannot be successfully completed due to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.
  - o Grants an exemption for in person supervision experience requirements for licensed clinical social work, licensed master social work, mental health counseling, marriage and family counseling, creative arts therapy, and psychoanalysis if such in person supervision cannot be completed due to the State of Emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.
- Part 83 and Part 87 Appeals
  - o Permits the Commissioner to excuse the filing timeframes prescribed in such section relating to appeals to the Commissioner of a hearing officer's determination of good moral character where such late filings are due to the State of emergency declared by the Governor pursuant to the an Executive Order for the COVID-19 crisis.
  - o Permits: (i) the Department to excuse late submissions relating to due process procedures for prospective employees' clearance for employment; and (ii) the Commissioner's designee to excuse late submissions relating to appeals of the Department's determination to deny prospective school employees' clearance for employment where such submissions are late due to the State of emergency declared by the Governor pursuant to the an Executive Order for the COVID-19 crisis.
  - o Adds to the definition of "prospective school employee" any individual who will reasonably be expected to provide services which involve online communication or interaction directly to students under the age of 21 during the period of a school closure ordered pursuant to an Executive Order of the Governor pursuant to a State of emergency for the COVID-19 crisis.
- Special Education
  - o Ensures that State approved private schools, State operated schools, Special Act School Districts, State supported schools and preschools to operate for less than 180 days during the 10 month school year for any school day that is closed pursuant to an Executive Order for the COVID-19 crisis and waived from the 180-day requirement pursuant to the terms of such Executive Order(s).
  - o Allows impartial hearing officers to conduct special education due process hearings by video conference during the COVID-19 crisis.
  - o Allows hearing officers to extend cases up to 60 days rather than 30 days while schools are closed pursuant to an Executive order issued by the Governor pursuant to a State of Emergency for COVID-19. This allows Impartial Hearing Officers better flexibility while school witnesses, administrators and parents are unavailable to partake in due process hearings.
  - o Requires preschool providers to make-up missed services within 30 days of the missed session. The proposed amendment will not include days that the school is closed pursuant to an Executive Order of the Governor issued pursuant to a State of emergency for the COVID-19 crisis.

- o Extends the time period to arrange for special education programs and services to be provided to a student with a disability from 60 school days of receipt of consent to evaluate so that the 60 days will not include any days(s) that such school is closed pursuant to an Executive order issued by the Governor pursuant to a State of emergency for COVID-19. As well, 30 school days will be extended for arranging an approved non-public school placement.

- Office of State Review
  - o Provides that a State Review Officer may authorize certain filings through electronic means during the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.
- Bilingual Education
  - o Provides that any day(s) where a school is closed pursuant to an Executive Order of the Governor pursuant to a State of emergency for the COVID-19 crisis does not count towards the following timelines: English language learner identification process timeline; parental notification and information timeline, and the English as a New Language/Bilingual Education placement timeline.
  - o Provides an exemption to students from the unit of study requirements where a student is unable to meet such requirements due to schools being closed pursuant to an Executive Order of the Governor pursuant to the State of emergency for the COVID-19 crisis and where such student otherwise achieves the learning outcomes for such course of study.
  - o Provides that for the 2019-2020 school year, there will be no English language learner annual assessment due to such assessment being suspended as result of the COVID-19 crisis.
- Curriculum and Instruction
  - o Provides an exemption to students from the unit of study requirements where a student is unable to meet such requirements due to schools being closed pursuant to an Executive Order of the Governor pursuant to the State of emergency for the COVID-19 crisis and where such student otherwise achieves the learning outcomes of such portion of unit of study completed.
- Higher Education
  - o Permits the Dignity for All Students Act (DASA) training to be conducted entirely online during the time period of the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.
  - o Creates an edTPA safety net for candidates in registered educator preparation programs (EPPs) in the Spring 2020 or Summer 2020 terms, who completed a student teaching or similar clinical experience during the Spring 2020 or Summer 2020 terms and could not complete their teacher performance assessment as a result of the COVID-19 crisis. These candidates would be able to take and pass either the ATS-W or edTPA. Eligible candidates who choose to take the edTPA but do not pass it, could take and pass the ATS-W, or pursue the edTPA Multiple Measures Review Process (MMRP), if they qualify.
  - o Extends the SOCE application deadline from June 30, 2020 to June 30, 2021 so that school districts have time to identify staff who are eligible for the SOCE, inform them about the application process and any supports provided, and submit the materials needed for applications since school districts are losing time during the COVID-19 crisis as the SOCE deadline approaches.
  - o For the SOCE and limited extension, special education teachers must complete their satisfactory full-time teaching experience, while being considered Highly Qualified through passing a HOUSSE rubric in the subject area, prior to June 30, 2020. The Department is proposing to extend the time period by which the experience must be completed to June 30, 2021, giving teachers the opportunity to gain more full-time satisfactory teaching experience for the SOCE or limited extension as they are losing time to do so during the COVID-19 crisis.
- Accountability
  - o The federal government has approved the Department's application for a one-year waiver from provisions of the Every Student Succeeds Act (ESSA) pertaining to State assessments and school and district accountability determinations due to the unique circumstances that have arisen as a result of the COVID-19 crisis. Therefore, the Department is proposing to provide that the Commissioner shall not conduct a review of school and district performance using 2019-2020 school year result, the accountability status of public schools and districts for the 2020-2021 school year shall be the same as for the 2019-2020 school year, and the 2018-2019 school year results shall be used in any instance for which 2019-2020 school year results would have been used as part of the process of making 2021-2022 school year accountability determinations. Additionally, the Commissioner may, upon a finding of good cause, modify for the 2019-2020 through 2021-2022 school years any timelines pertaining to notifications, plans, reports, or implementation of activities required by such section.

***This notice is intended*** to serve as both a notice of emergency adoption and a notice of revised rule making. The notice of proposed rule making

was published in the *State Register* on April 22, 2020, I.D. No. EDU-16-20-00002-EP. The emergency rule will expire September 14, 2020.

**Revised rule making(s) were previously published in the *State Register* on May 20, 2020 and June 24, 2020.**

**Emergency rule compared with proposed rule:** Substantive revisions were made in section 175.5.

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

**Data, views or arguments may be submitted to:** Julia Patane, NYS Education Department, 89 Washington Avenue, Room 148EB, Albany, NY 12234, (518) 474-6400, email: REGCOMMENTS@nysed.gov

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

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

Since the publication of a Notice of Emergency Adoption and Revised Rule Making in the *State Register* on June 24, 2020, substantial revisions were made to the amendment of section 175.5 of the Commissioner's regulations relating to the requirement that school districts operated for 180-days and the instructional hour requirements for state aid purposes.

These substantial revisions do not require any changes to the previously published Regulatory Impact Statement.

#### **Revised Regulatory Flexibility Analysis**

Since the publication of a Notice of Emergency Adoption and Revised Rule Making in the *State Register* on June 24, 2020, substantial revisions were made to the amendment of section 175.5 of the Commissioner's regulations relating to the requirement that school districts operated for 180-days and the instructional hour requirements for state aid purposes.

These substantial revisions do not require any changes to the previously published Regulatory Flexibility Analysis for Small Businesses and Local Government.

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

Since the publication of a Notice of Emergency Adoption and Revised Rule Making in the *State Register* on June 24, 2020, substantial revisions were made to the amendment of section 175.5 of the Commissioner's regulations relating to the requirement that school districts operated for 180-days and the instructional hour requirements for state aid purposes.

These substantial revisions do not require any changes to the previously published Statement in Lieu of a Rural Area Flexibility Analysis.

#### **Revised Job Impact Statement**

Since the publication of a Notice of Emergency Adoption and Revised Rule Making in the *State Register* on June 24, 2020, substantial revisions were made to the amendment of section 175.5 of the Commissioner's regulations relating to the requirement that school districts operated for 180-days and the instructional hour requirements for state aid purposes.

These substantial revisions do not require any changes to the previously published Statement in Lieu of Job Impact Statement.

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

The agency received no public comment.

## **NOTICE OF EMERGENCY ADOPTION AND REVISED RULE MAKING NO HEARING(S) SCHEDULED**

### **Addressing the COVID-19 Crisis**

**I.D. No.** EDU-20-20-00008-ERP

**Filing No.** 438

**Filing Date:** 2020-07-17

**Effective Date:** 2020-07-17

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

**Action Taken:** Addition of section 80-5.27; amendment of sections 52.21, 60.6, 61.9, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 101, 207, 209, 210, 211-f, 214, 215, 305, 3001, 3004, 3009, 3204, 3205, 3602, 3602-3, 3602-ee, 6525 and 6611; Every Student Succeeds Act of 2015, sections 1111(b)(3), (c)(4), (d)(2); U.S.C. section 6301 et seq.; Public Law, sections 114-95 and 129, STAT. 1802

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

**Specific reasons underlying the finding of necessity:** On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020 the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis including orders directing the closure of schools and directing non-essential work personnel to work from home. In response the Department adopted emergency regulations at the April, May, and June 2020 Board of Regents Meeting to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. The Department presented this proposed amendment to the Full Board for adoption as an emergency action at the May 2020 Regents meeting, effective May 5, 2020. At the June 2020 Board of Regents meeting the Department revised this proposed emergency regulation to provide clarification and additional flexibility related to the Emergency COVID-19 certificate, effective June 9, 2020. The Department has made additional revisions to the proposed emergency regulation to provide clarification and additional flexibility relating to the Emergency COVID-19 certificate and the expiration date of Initial and Provisional certificate extensions, effective July 17, 2020. The proposed amendments provide flexibility related to the following:

- Renewal of limited permits in medicine;
- In-person CPR course certification requirements for dentists and dental hygienists;
- The takeover and restructuring of struggling and persistently struggling schools;
- Teacher certification through the Individual Evaluation pathway;
- Expiration dates of the Initial certificate, Initial Reissuance, Provisional certificate, Provisional Renewal, and Conditional Initial certificate for teacher candidates;
- Emergency COVID-19 teaching certificates;
- School district leader and school business leader assessments;
- Annual monitoring and tracking of prekindergarten program effectiveness and the annual report of the percentage of prekindergarten children making significant gains;
- Application deadline for alternative high school equivalency preparation programs;
- Unit of study requirements;
- Regents examinations, pathway assessments, alternative assessments, technical assessments, and locally developed test requirements for a diploma;
- NYS career and development and occupational studies commencement credential; and
- General comprehensive examination requirements for a high school equivalency diploma.

Because the Board of Regents meets at scheduled intervals, the earliest the revised proposed amendment could be presented for regular (non-emergency) 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 201(4-a), is the October 2020 Regents meeting. However, because the COVID-19 crisis is presently affecting the State of New York, emergency action is necessary for the preservation of public health and the general welfare in order to immediately provide flexibility for certain regulatory requirements in response to the COVID-19 crisis.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the October 2020 Regents meeting, which is the first scheduled meeting after the 45-day public comment period prescribed in SAPA for State agency rule makings. However, since the emergency regulation will expire before the October meeting, it is anticipated that an additional emergency action will be presented for adoption at the September 2020 Regents meeting.

**Subject:** Addressing the COVID-19 Crisis.

**Purpose:** To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis.

**Substance of emergency/revised rule (Full text is posted at the following State website: <http://www.counsel.nysed.gov/rulesandregs>):** On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020, the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. 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. In response, the Department adopted emergency regulations at the April 2020 Board of Regents Meeting to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. To address additional issues resulting from the interruptions caused by the

COVID-19 crisis, the Department is proposing further emergency regulatory amendments as follows:

- Professions
  - o Section 60.6 is amended to permit the Department, at its discretion, to renew limited permits in medicine for one additional 24-month period.
  - o Section 61.19(b) is amended to permit the Department to accept alternative means to be used by dentists and dental hygienists to obtain and/or maintain the required certification in cardiopulmonary resuscitation other than through an in-person course during the COVID-19 crisis.
- Receivership
  - o Section 100.19 is amended to provide that: (1) the Commissioner shall not use 2019-20 school year results to newly identify any schools as struggling, place any schools under independent receivership, or remove the designation of any schools as struggling or persistently struggling; (2) all schools identified as persistently struggling or struggling schools for the 2019-20 school year shall remain so identified for the 2020-21 school year and all schools that operated under a school district superintendent receiver in the 2019-20 school year shall continue to operate under a school district superintendent receiver in the 2020-21 school year; and (3) the Commissioner may, upon a finding of good cause, modify for the 2019-20 through 2021-22 school years any timelines pertaining to notifications, plans, reports, or implementation of activities required by such section, except for any timelines prescribed by law.
- Higher Education
  - o Section 80-3.7 is amended to allow any undergraduate or graduate level course completed during the spring, summer, or fall 2020 terms with a passing grade, or its equivalent, to count toward the content core or pedagogical core semester hour requirements for certification through the Individual Evaluation pathway. The passing grade, or its equivalent, must be in accordance with the pass/fail grading policy, or its equivalent, at the institution of higher education (e.g., credit/no credit, pass/fail, satisfactory/unsatisfactory policy).
  - o Section 80-1.2(b) is amended to extend the expiration date of the Initial certificate, Initial Reissuance, Provisional certificate, Provisional Renewal, and the extensions of the initial and Provisional certificates from August 31, 2020 to January 31, 2021 to provide candidates with the time needed to work in schools and complete the requirements for the Professional or Permanent certificate. Additionally, such section is amended to extend the expiration date of the Conditional Initial certificate from August 31, 2020 to August 31, 2021 to provide candidates with the time needed to complete the edTPA, which requires working with students. An additional year gives candidates the time to establish a relationship with students, teach lessons and assess student learning, and prepare the edTPA submission once classroom routines are more consistent after the COVID-19 crisis.
  - o Section 80-5.27 is added to create an Emergency COVID-19 certificate for candidates seeking certain certificates, extensions, and annotations because there is limited test center availability and schools have been closed pursuant to Executive Order(s) of the Governor due to the COVID-19 crisis. This certificate would be valid for one year and could be renewed one time for an additional year with letter(s) of recommendation from school, district, and/or BOCES administrators. Candidates must apply for the certificate, extension, or annotation on or before September 1, 2020. They must also apply for the Emergency COVID-19 certificate, in the same certificate title as the certificate, extension, or annotation applied for, on or before September 1, 2020.
  - o Section 52.21(c) is amended to exempt school district leader (SDL) and school business leader (SDBL) candidates from taking and passing the SDL and SDBL assessment, respectively, for program completion and for the institutional recommendation for the Professional certificate, if they completed all program requirements except the assessment requirement during the Fall 2019, Winter 2020, Spring 2020, or Summer 2020 terms. The exemption enables these candidates to complete their program while there is limited test center availability due to the COVID-19 crisis and receive institutional recommendation for Professional certification, which would be needed to pursue the proposed Emergency COVID-19 certificate. The candidates would need to take and pass the SDL and SDBL assessment to earn Professional SDL and SDBL certification, respectively.
  - o Section 52.21(c) is also amended to exempt candidates admitted to Transitional D programs leading to school district leader certification from taking and passing the SDL assessment for the institutional recommendation for the Transitional D certificate, if they completed all requirements for admitted candidates except the assessment requirement on or before September 1, 2020. The exemption enables Transitional D candidates to receive institutional recommendation for Transitional D certification while there is limited test center availability due to the COVID-19 crisis, which would be needed to pursue the proposed Emergency COVID-19 certificate. The candidates would need to take and pass the SDL assessment to earn Transitional D certification.
- Early Learning

- o Section 151-1.3(b) is amended to waive the requirement that school districts must annually monitor and track prekindergarten program effectiveness for the 2019-2020 school year and to waive the annual report of the percentage of prekindergarten children making significant gains for the 2019-2020 school year.

- Alternative High School Equivalency Program (“AHSEP”)
  - o Section 100.7 is amended to provide an extension to the June 30 application deadline for alternative high school equivalency preparation programs to be operated during the 2020-2021 school year.
- Curriculum and Instruction
  - o Section 100.1 is amended to provide that a unit of credit may be earned where a student has not completed a unit of study due to the COVID-19 crisis but has otherwise achieved the standards assessed in the provided coursework;
  - o Sections 100.2 and 100.5 are amended to provide an exemption to the Regents examination, pathway assessment, alternative assessment, technical assessment, and locally developed test requirements during the COVID-19 crisis so that students are still able to meet their diploma requirements since the June 2020 and August 2020 Regents examinations have been canceled;
  - o Section 100.4 is amended to make a technical citation correction;
  - o Section 100.6 is amended to exempt students from the requirements for the career development and occupational studies commencement credential (“CDOS”) provided that the student is otherwise eligible to exit from high school and has otherwise demonstrated knowledge and skills relating to the CDOS learning standards; and
  - o Section 100.7 is amended to provide an exemption from the subtests of the general comprehensive examination requirements for a high school equivalency diploma where students meet certain criteria.

**This notice is intended** to serve as both a notice of emergency adoption and a notice of revised rule making. The notice of proposed rule making was published in the *State Register* on May 20, 2020, I.D. No. EDU-20-20-00008-EP. The emergency rule will expire September 17, 2020.

**Revised rule making(s) were previously published in the State Register on June 24, 2020.**

**Emergency rule compared with proposed rule:** Substantial revisions were made in sections 80-5.27 and 80-1.2(b).

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

**Data, views or arguments may be submitted to:** Julia Patane, NYS Education Department, 89 Washington Avenue, Room 148EB, Albany, NY 12234, (518) 474-6400, email: REGCOMMENTS@nysed.gov

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

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

Since the publication of a Notice of Emergency Adoption and Proposed Rule Making in the State Register on June 24, 2020, substantial revisions were made to the addition of section 80-5.27 in the proposed regulation relating to the Emergency COVID-19 certificate and section 80-1.2(b) in the proposed regulation relating to the expiration date of Initial and Provisional certificates and the Initial and Provisional certificate extensions.

These substantial revisions do not require any changes to the previously published Regulatory Impact Statement.

#### **Revised Regulatory Flexibility Analysis**

Since the publication of a Notice of Emergency Adoption and Proposed Rule Making in the State Register on June 24, 2020, substantial revisions were made to the addition of section 80-5.27 in the proposed regulation relating to the Emergency COVID-19 certificate and section 80-1.2(b) in the proposed regulation relating to the expiration date of Initial and Provisional certificates and the Initial and Provisional certificate extensions.

These substantial revisions do not require any changes to the previously published Regulatory Flexibility Analysis for Small Businesses and Local Government.

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

Since the publication of a Notice of Emergency Adoption and Proposed Rule Making in the State Register on June 24, 2020, substantial revisions were made to the addition of section 80-5.27 in the proposed regulation relating to the Emergency COVID-19 certificate and section 80-1.2(b) in the proposed regulation relating to the expiration date of Initial and Provisional certificates and the Initial and Provisional certificate extensions.

These substantial revisions do not require any changes to the previously published Statement in Lieu of a Regulatory Area Flexibility Analysis.

#### **Revised Job Impact Statement**

Since the publication of a Notice of Emergency Adoption and Proposed Rule Making in the State Register on June 24, 2020, substantial revisions were made to the addition of section 80-5.27 in the proposed regulation

relating to the Emergency COVID-19 certificate and section 80-1.2(b) in the proposed regulation relating to the expiration date of Initial and Provisional certificates and the Initial and Provisional certificate extensions.

These substantial revisions do not require any changes to the previously published Statement in Lieu of Job Impact Statement.

**Assessment of Public Comment**

The agency received no public comment.

## Department of Financial Services

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

**Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure**

**I.D. No.** DFS-33-19-00004-RP

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

**Proposed Action:** Addition of section 52.69 to Title 11 NYCRR.

**Statutory authority:** Financial Services Law, sections 202, 302; Insurance Law, sections 301 and 3217

**Subject:** Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure.

**Purpose:** To set forth minimum standards for the content of health insurance identification cards.

**Text of revised rule:** A new section 52.69 is added as follows:

§ 52.69 Rules relating to the content of health insurance identification cards.

(a) Every issuer shall provide a health insurance identification card to the primary insured and to each dependent of the primary insured who is 18 years of age or older within 30 days of the effective date of the insured's or dependent's coverage, or if the insured or dependent is enrolled retroactively, within 30 days of the retroactive enrollment, under an accident and health insurance policy that provides coverage for comprehensive hospital, surgical and medical care, except coverage that is provided by this State to its employees or retirees or by governmental programs administered by the Commissioner of Health, including Medicaid, Children's Health Insurance Program, and Essential Plan. The health insurance identification card shall, at a minimum, contain the following information:

- (1) the primary insured's name and identification number;
- (2) each insured dependent's name and, if applicable, identification number, which shall appear either on the primary insured's identification card or on a separate card issued to the dependent;
- (3) the full legal name of the issuer providing the coverage or the name under which the issuer is authorized to do business;
- (4) a statement that reads as follows: "This coverage is fully insured.";
- (5) the plan name;
- (6) the coverage type, which shall be identified as point-of-service (POS), health maintenance organization (HMO), exclusive provider organization (EPO), preferred provider organization (PPO), or fee-for-service;
- (7) the name of the issuer's health care provider network or networks for the plan, if applicable;
- (8) the name of the plan's formulary, if applicable;
- (9) the phone number or numbers at which the insured or health care provider may readily obtain the following:
  - (i) member services assistance;
  - (ii) confirmation of eligibility or verification of benefits; and
  - (iii) prior authorization for health care services, if applicable;
- (10) the internet website address of the issuer; and
- (11) copayment or coinsurance information applicable to participating providers for the following services:
  - (i) primary care office visits;
  - (ii) specialist office visits;
  - (iii) urgent care;
  - (iv) emergency room visits; and
  - (v) prescription drugs for a 30-day supply at a retail pharmacy.

(b) An issuer shall post conspicuously on its website the name of the issuer's health care provider network or networks for the plan and the name of the plan's formulary, as applicable. The names posted on the issuer's website shall match the names listed on the health insurance identification card.

(c) When any information required to be on the card is changed, each issuer shall provide the primary insured and each dependent of the primary insured who is 18 years of age or older and covered under the accident and health insurance policy with a new health insurance identification card upon renewal of the policy. However, if the information in paragraph (11) of subdivision (a) of this section is the only information that is changed, an issuer may provide a sticker containing the new information that is to be affixed to the card to the primary insured and each dependent of the primary insured who is 18 years of age or older and covered under the accident and health insurance policy upon renewal of the policy.

(d) A health insurance identification card shall be mailed to the primary insured and to each dependent of the primary insured who is 18 years of age or older. If a dependent who is 18 years of age or older resides with the primary insured, the issuer may include the dependent's card in the mailing to the primary insured with the primary insured's card. A health insurance identification card may be provided electronically, and not by mail, if the insured or dependent 18 years of age or older consents to electronic delivery for his or her card.

(e) Every issuer, when acting as an administrator on behalf of a group that provides coverage for comprehensive hospital, surgical, and medical care under a self-funded plan, shall, if the issuer's name appears on any health insurance identification card, include a statement that reads as follows: "This coverage is self-funded."

(f) For purposes of this section, "issuer" means an insurer licensed to write accident and health insurance in this State, a corporation organized pursuant to Insurance Law article 43, a municipal cooperative health benefit plan certified pursuant to Insurance Law article 47, a health maintenance organization certified pursuant to Public Health Law article 44, and a student health plan certified pursuant to Insurance Law section 1124.

**Revised rule compared with proposed rule:** Substantive revisions were made in section 52.69.

**Text of revised proposed rule and any required statements and analyses may be obtained from** Colleen Rumsey, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 474-0154, email: Colleen.Rumsey@dfs.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**

1. Statutory authority: Financial Services Law ("FSL") sections 202 and 302 and Insurance Law ("IL") sections 301 and 3217.

FSL section 202 establishes the office of the Superintendent of Financial Services ("Superintendent").

FSL section 302 and IL section 301, in pertinent part, authorize the Superintendent to prescribe regulations interpreting the IL and to effectuate any power granted to the Superintendent in the IL, FSL, or any other law.

IL section 3217 authorizes the Superintendent to issue regulations to establish minimum standards, including standards for full and fair disclosure, for the form, content and sale of accident and health insurance policies and subscriber contracts of insurers or corporations organized under IL Articles 32 and 43 and Public Health Law Article 44 ("issuers").

2. Legislative objectives: IL section 3217 authorizes the Superintendent to issue regulations to establish minimum standards, including standards for full and fair disclosure, for the form, content and sale of accident and health insurance policies and subscriber contracts of issuers.

This proposed amendment to 11 NYCRR 52 (Insurance Regulation 62) accords with the public policy objectives that the Legislature sought to advance in IL section 3217 by setting forth minimum standards for the content of health insurance identification cards. The amendment requires every issuer to provide a health insurance identification card to the primary insured and to each dependent of the primary insured who is 18 years of age or older within 30 days of the effective date of the insured's or dependent's coverage under an accident and health insurance policy that provides coverage for comprehensive hospital, surgical and medical care, except governmental programs approved by the Commissioner of Health, including Medicaid, Children's Health Insurance Program and Essential Plan. When any information required to be on the card is changed, issuers must provide the primary insured and each dependent of the primary insured who is 18 years of age or older and covered under the accident and health insurance policy with a new health insurance identification card upon renewal of the policy. The health insurance identification cards must be mailed to the primary insured and to each dependent of the primary insured who is 18 years of age or older; however, if a dependent who is 18 years of age or older resides with the primary insured, the dependent's card may be included in the mailing to the primary insured with the primary insured's card. Health insurance identification cards may be provided electronically, and not by mail, if the insured consents to the electronic delivery.

3. Needs and benefits: Currently, the IL provides for the minimum standards in the form, content and sale of accident and health insurance. The purpose of such minimum standards is to provide reasonable standardization and simplification of coverages to facilitate understanding and comparisons; eliminate provisions that may be misleading or unreasonably confusing; eliminate deceptive practices; eliminate provisions that may be contrary to the health care needs of the public; and eliminate coverages that are of no substantial economic value to the holders. This proposed amendment aligns with the public policy of New York by providing minimum standards for the content of health insurance identification cards, which will ensure greater disclosure of information relating to an insured's health plan, as well as easier access to such information, by standardizing the content of health insurance identification cards.

It was brought to the attention of the Department of Financial Services ("Department") that health insurance identification cards were not adequately disclosing important information related to an insured's health plan, which was causing confusion among insureds and health care providers. With input from providers, issuers and consumer groups, the Department drafted this amendment to eliminate inadequate disclosure and confusion by requiring health insurance identification cards to include certain information relating to an insured's health plan. This amendment will require health insurance identification cards to include information such as the names and identification numbers of the insured and dependents; the name of the issuer providing the coverage; the product or plan name; important telephone numbers; the issuer's website address; and cost-sharing information. Additionally, to eliminate confusion regarding self-funded plans, this amendment will require health insurance identification cards to include a statement identifying whether the coverage is insured by the issuer or administered by the issuer through a self-funded arrangement.

The Department consulted with the Department of Health and determined that governmental programs, including Medicaid, Children's Health Insurance Program, and Essential Plan, should be exempted from the requirements of this regulation, as the Department of Health already imposes requirements on identification cards for governmental programs.

4. Costs: Issuers may incur costs because they will need to mail new health insurance identification cards to the primary insured and each dependent of the primary insured who is 18 years of age or older and covered under the accident and health insurance policy when any information required to be on the card is changed. However, to mitigate costs to issuers, new cards only need to be provided upon renewal of the policy. Additionally, if a dependent who is 18 years of age or older resides with the primary insured, the dependent's card may be included in the mailing to the primary insured with the primary insured's card. Also, health insurance identification cards may be provided electronically, and not by mail, if the insured consents to electronic delivery.

This amendment will not impose compliance costs on the Department.

This amendment will not impose compliance costs on state or local governments.

5. Local government mandates: This amendment does not impose a new mandate on any county, city, town, village, school district, fire district or other special district.

6. Paperwork: This amendment does not impose any new paperwork or filing requirements on issuers.

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

8. Alternatives: The Department considered several alternatives when drafting this amendment. For example, the effective date of the amendment was originally 90 days after publication of the Notice of Adoption in the State Register but was changed to 120 days based on stakeholder input. Additionally, the amendment initially required health insurance identification cards to be mailed within 60 days of any change of information, but the final version requires cards to be mailed upon renewal of the policy based upon stakeholder input. Also, an earlier version of the amendment required a card to be mailed within 15 days of the effective date of the coverage, but that was changed to within 30 days of the effective date based on stakeholder input. These changes were made to reduce the compliance burden on issuers while ensuring that updated information is sent to insureds in a timely manner.

The Department previously required health insurance identification cards to include a statement about whether an insured's coverage provides out-of-network benefits in order to help the insured more easily ascertain whether a health plan provides out-of-network benefits. Instead, based upon stakeholder input, the Department decided to require health insurance identification cards to include the coverage type (e.g., point-of-service (POS), health maintenance organization (HMO), exclusive provider organization (EPO), preferred provider organization (PPO), or fee-for-service). This will allow an insured to easily identify whether a health plan provides out-of-network benefits.

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

10. Compliance schedule: The amendment will take effect 120 days after publication of the Notice of Adoption in the State Register.

#### **Revised Regulatory Flexibility Analysis**

A revised RFA is not required for the revised proposed Fifty-Third Amendment to 11 NYCRR 52 (Insurance Regulation 62) because the revisions to the regulation do not require a change to the previously published RFA.

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

A RAFA is not required for the revised proposed Fifty-Third Amendment to 11 NYCRR 52 (Insurance Regulation 62) because the revisions to the regulation do not require a change to the previously published RAFA.

#### **Revised Job Impact Statement**

A revised JIS is not required for the revised proposed Fifty-Third Amendment to 11 NYCRR 52 (Insurance Regulation 62) because the revisions to the regulation do not require a change to the previously published JIS.

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

The New York State Department of Financial Services (the "Department") received comments from associations that represent insurers and health maintenance organizations ("issuers"), associations that represent healthcare providers, and from advocacy organizations, including organizations that provide or promote civil liberties or primary and preventive sexual and reproductive health care services. Most of the comments supported the proposed regulation. However, some of the commenters requested changes to or clarification of the regulation.

**Comment:** The regulation would take effect 90 days after publication of the Notice of Adoption in the State Register. Two commenters raised concerns with the timing to implement the regulation because updating systems and issuing new cards will take time. One commenter requested the effective date to be extended to 120 days after publication. Another commenter asked for confirmation that the new health insurance identification card ("ID card") information will not be required to be included on ID cards issued for policies and contracts issued or renewed effective January 1, 2020.

**Response:** In response to these comments, the Department changed the implementation date from 90 days to 120 days to allow issuers more time to implement the regulation. The regulation will apply to all policies and contracts issued, renewed, modified, or amended after that date. The regulation does not apply to policies and contracts issued or renewed effective January 1, 2020 because it has not been adopted yet.

**Comment:** The proposed regulation requires ID cards to include the annual or plan year deductible amount for participating providers, if applicable. One commenter requested that this requirement be removed from the regulation because the commenter does not believe its inclusion is a worthwhile use of the limited space on ID cards. The commenter explained that, unlike copayment information, which remains the same throughout the year, the amount that a member owes toward the deductible changes each time a claim is processed, and therefore, the full amount of the deductible is only useful to the member before a single claim is processed. The commenter also explained that health care providers and members have multiple channels to readily access deductible and accumulation details in real time, which are more up-to-date than the static display on the ID card. The commenter noted that many products have deductibles to which not all benefits apply, which would create confusion, and that adding the level of detail that would be required to specify which services are subject to the deductible cannot feasibly be displayed on an ID card. Further, the commenter stated that many products have both individual and family deductibles, with the deductibles being either embedded or aggregated. The commenter claimed that simply indicating the deductible, without necessary explanatory information as to how the deductible is applied, will result in insureds being confused.

**Response:** To address the commenter's concerns, the Department removed the requirement that an ID card include deductible information.

**Comment:** The proposed regulation requires ID cards to include the annual or plan year deductible amount for participating providers, if applicable. One commenter requested clarification whether issuers that have more than one tier of in-network providers (i.e., preferred providers and participating providers) must include the deductible for both tiers. The commenter recommended, due to space restrictions on ID cards, that only the deductible for preferred providers be required.

**Response:** The Department revised the regulation to remove the requirement that deductible information be included on ID cards.

**Comment:** One commenter requested that the requirement that ID cards include the emergency room and urgent care copayments be removed from the regulation but gave no rationale for the request.

**Response:** The Department added this requirement because the information is beneficial to insureds and was requested by consumer advocates. Thus, the Department did not make any changes to the regulation in response to this comment.

**Comment:** One commenter requested that large groups be permitted to



have custom ID cards, which may or may not include copayment information.

Response: The proposed regulation was drafted to intentionally require cost-sharing information on ID cards and is intended to include large groups in such requirements. There is no reason why an insured who has coverage as part of a large group should be treated differently. Thus, the Department did not make any changes to the regulation in response to this comment.

Comment: One commenter requested that the requirement in the regulation for “a statement of whether the coverage has out-of-network benefits” be modified to enable issuers to satisfy the requirement by indicating whether the coverage is “EPO” (exclusive provider organization), “PPO” (preferred provider organization), or “POS” (point-of-service). Another commenter asked for confirmation that a “statement of whether the coverage has out-of-network benefits” is sufficient and that issuers are not required to display or detail the actual out-of-network benefits on the card. The commenter also asked for clarification that EPO products that are required by New York law to provide coverage for out-of-network emergency services would not be considered to be offering out-of-network benefits.

Response: In response to this comment, the Department revised the regulation to require that ID cards include “the coverage type, which shall be identified as point-of-service (POS), health maintenance organization (HMO), exclusive provider organization (EPO), preferred provider organization (PPO) or fee-for-service.”

Comment: One commenter requested that the requirement for ID cards to include the issuer’s formulary name be removed from the regulation. The commenter argued that the formulary name is of little to no value to an insured, and that an insured can learn the formulary name and access the formulary online. Also, the commenter alleged that the formulary name is of no use when accessing benefits, as the “BIN/PCN values” on the card are used by pharmacists to submit claims.

Response: The regulation requires the issuer’s formulary name on ID cards because the information is beneficial to insureds. Issuers often have multiple formularies and insureds will need to know the name of their particular formulary to locate prescription drug information on an issuer’s website. The Department did not make any changes to the regulation in response to this comment.

Comment: The regulation requires that ID cards be provided within 30 days of the effective date of the insured’s or dependent’s coverage. One commenter requested that the regulation be revised to address situations where a member is enrolled retroactively. The commenter suggested revising the regulation to require ID cards to be issued “within 30 days of the effective date of the insured’s or dependent’s coverage, (or, if the member is enrolled retroactively, within 30 days of the enrollment transaction).”

Response: The Department revised the regulation as requested in response to this comment.

Comment: The regulation requires every issuer whose name appears on the ID card, when acting as an administrator on behalf of a group that provides coverage for comprehensive hospital, surgical, and medical care under a self-funded plan, to include a statement on the ID card that the coverage is self-funded and is not provided or insured by the issuer. One commenter requested clarification of whether both clauses need to be included on the ID card, or whether stating that the coverage is self-funded is sufficient to satisfy the requirement.

Response: In response to this comment, the Department revised the regulation to require that a statement be included on the ID card that reads as follows: “This coverage is self-funded.”

Comment: The proposed regulation allows an issuer to provide ID cards electronically if an insured or dependent of the primary insured who is 18 years of age or older consents to electronic delivery. One commenter requested clarification that once consent for electronic delivery is obtained, it remains in effect until and unless it is revoked by the insured. The commenter also requested clarification of whether consent must be obtained specifically for ID cards, or if it can be included in a broader request for consent or electronic communications.

Response: Once an insured or dependent of the primary insured who is 18 years of age or older consents to electronic delivery of his or her ID card, such consent may be deemed to be in effect until it is revoked by the insured or dependent. Consent for electronic delivery of ID cards may be included in a broader request for consent to electronic communications. However, the request should clearly indicate that ID cards are included in the request, and also provide an option for the insured or dependent to consent to electronic communications, but receive a physical ID card rather than receive the ID card electronically.

Comment: One commenter who submitted comments in support of the proposed regulation recommended that all of the newly required information for ID cards also be available in the “electronic eligibility response.” The commenter also explained that much of the patient registration process is done electronically, sometimes by the patients themselves, and that

patients often present in emergency departments without any insurance identification on them. The commenter further explained that most information is both gathered and stored electronically. The commenter contended that for this regulation to be practical, it needs to include appropriate electronic requirements.

Response: The Department is unsure as to what this commenter is requesting. If the commenter is requesting that the regulation include a requirement for the issuance and use of electronic ID cards, the use of electronic documents by an insured is optional pursuant to state and federal law. Therefore, the Department made no changes in response to the comment.

Comment: One commenter who submitted comments in support of the proposed regulation recommended that the regulation require very specific information as to the plan name, because issuers offer many different products that are governed by different state and federal rules, and providers need to know the exact product name to facilitate compliance with those rules and issuer requirements.

Response: The proposed regulation requires ID cards to include the plan name. The Department will take standardization of plan names under advisement for future rulemaking. Therefore, the Department made no changes in response to the comment at this time.

---



---

## Department of Health

---



---

### EMERGENCY RULE MAKING

#### Hospital Personal Protective Equipment (PPE) Requirements

**I.D. No.** HLT-31-20-00013-E

**Filing No.** 454

**Filing Date:** 2020-07-21

**Effective Date:** 2020-07-21

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

**Action taken:** Amendment of section 405.11 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, section 2803; Executive Order No. 202

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

**Specific reasons underlying the finding of necessity:** The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal. According to Johns Hopkins’ Coronavirus Resource Center, to date, there have been over 3.4 million cases and over 240 thousand deaths worldwide, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions.

COVID-19 was found to be the cause of an outbreak of illness in Wuhan, Hubei Province, China in December 2019. Since then, the situation has rapidly evolved throughout the world, with many countries, including the United States, quickly progressing from the identification of travel-associated cases to person-to-person transmission among close contacts of travel-associated cases, and finally to widespread community transmission of COVID-19.

On January 30, 2020, the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International Concern. On a national level, the Secretary of Health and Human Services determined on January 31, 2020 that as a result of confirmed cases of COVID-19 in the United States, a public health emergency existed and had existed since January 27, 2020, nationwide. Subsequently, on March 13, 2020, President Donald J. Trump declared a national emergency in response to COVID-19, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

New York State first identified cases on March 1, 2020 and has since become the national epicenter of the outbreak. On March 7, 2020, with widespread transmission rapidly increasing within certain areas of the state, Governor Andrew M. Cuomo issued an Executive Order declaring a state disaster emergency to aid in addressing the threat COVID-19 poses to the health and welfare of New York State residents and visitors. With over 412,000 confirmed cases and over 32,000 deaths, as of July 13, 2020, which accounts for approximately 22% of all deaths nationwide, New York State is currently the most impacted state in the nation.

Between 15% and 20% of all individuals infected with COVID-19 will require hospitalization. In order for hospital staff to safely provide care for these patients, while ensuring that they themselves do not become infected with COVID-19, or any other communicable disease, it is critically important that personal protective equipment (PPE), including masks, gloves, respirators, face shields and gowns, is readily available and are used. As a result of global PPE shortages, from the beginning of the COVID-19 outbreak New York State has provided general hospitals and other medical facilities with PPE from the State's emergency stockpile.

Based on the foregoing, and pursuant to the Executive Order No. 202 issued on March 7, 2020, which permits the Commissioner to promulgate emergency regulations governing the operation of general hospitals, the Department has made the determination that this emergency regulation is necessary to ensure that all general hospitals maintain a 90-day supply of PPE, at a usage rate equal to the highest average rate of usage during the COVID-19 emergency, such that sufficient PPE is available in the event of a continuation or resurgence of the COVID-19 outbreak.

**Subject:** Hospital Personal Protective Equipment (PPE) Requirements.

**Purpose:** To ensure that all general hospitals maintain a 90-day supply of PPE during the COVID-19 emergency.

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

(g) (i) *The hospital shall possess and maintain a supply of all necessary items of personal protective equipment (PPE) sufficient to protect health care personnel, consistent with federal Centers for Disease Control guidance, for at least 60 days by August 31, 2020, and at least 90 days by September 30, 2020, at rate of usage equal the average daily rate that PPE was used between April 13, 2020 and April 27, 2020; provided, however, that upon request the Department may grant an extension of the deadline to October 30, 2020, at its sole and exclusive discretion for having at least a 90 day supply of PPE where the hospital demonstrates, to the Commissioner's satisfaction, that:*

(A) *the hospital's inability to meet this deadline is solely attributable to supply chain issues that are beyond the hospital's control and purchasing PPE at market rates would facilitate price gouging by PPE vendors; or*

(B) *the seven-day rolling average of new COVID-19 infections in New York State remains below one and a half percent (1.5%) of the total seven-day rolling average of COVID-19 tests performed over the same period; and there are ten or less states in the United States that have a seven-day rolling average of new COVID-19 infections exceeding five thousand cases.*

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

**This notice is intended** to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires October 18, 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**

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

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

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

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

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

The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal. According to Johns Hopkins' Coronavirus Resource Center, to date, there have been over 3.4 million cases and over 240 thousand deaths worldwide, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions.

COVID-19 was found to be the cause of an outbreak of illness in Wuhan, Hubei Province, China in December 2019. Since then, the situation has rapidly evolved throughout the world, with many countries, including the United States, quickly progressing from the identification of

travel-associated cases to person-to-person transmission among close contacts of travel-associated cases, and finally to widespread community transmission of COVID-19.

On January 30, 2020, the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International Concern. On a national level, the Secretary of Health and Human Services determined on January 31, 2020 that as a result of confirmed cases of COVID-19 in the United States, a public health emergency existed and had existed since January 27, 2020, nationwide. Subsequently, on March 13, 2020, President Donald J. Trump declared a national emergency in response to COVID-19, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

New York State first identified cases on March 1, 2020 and has since become the national epicenter of the outbreak. On March 7, 2020, with widespread transmission rapidly increasing within certain areas of the state, Governor Andrew M. Cuomo issued an Executive Order declaring a state disaster emergency to aid in addressing the threat COVID-19 poses to the health and welfare of New York State residents and visitors. With over 412,000 confirmed cases and over 32,000 deaths, as of July 20, 2020, which accounts for approximately 22% of all deaths nationwide, New York State is currently the most impacted state in the nation.

Between 15% and 20% of all individuals infected with COVID-19 will require hospitalization. In order for hospital staff to safely provide care for these patients, while ensuring that they themselves do not become infected with COVID-19, or any other communicable disease, it is critically important that personal protective equipment (PPE), including masks, gloves, respirators, face shields and gowns, is readily available and are used. As a result of global PPE shortages, from the beginning of the COVID-19 outbreak New York State has provided general hospitals and other medical facilities with PPE from the State's emergency stockpile.

Based on the foregoing, and pursuant to the Executive Order No. 202 issued on March 7, 2020, which permits the Commissioner to promulgate emergency regulations governing the operation of general hospitals, the Department has made the determination that this emergency regulation is necessary to ensure that all general hospitals maintain a 90-day supply of PPE, at a usage rate equal to the highest average rate of usage during the COVID-19 emergency, such that sufficient PPE is available in the event of a continuation or resurgence of the COVID-19 outbreak.

##### **Costs:**

##### **Costs to Regulated Parties:**

The purpose of this regulation is to require general hospitals to maintain adequate stockpiles of PPE. The initial cost to general hospitals as they establish stockpiles of PPE will vary depending on the number of staff working at each general hospital. However, as general hospitals are already obligated to provide PPE to their staff by regulations established by the federal Occupational Health and Safety Administration, and as all stockpiled PPE is anticipated to be used as part of routine hospital operations, this regulation imposes no long-term additional costs to regulated parties.

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

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

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

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

##### **Paperwork:**

This regulation imposes no addition paperwork.

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

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

##### **Duplication:**

These regulations do not duplicate any State or Federal rules.

##### **Alternatives:**

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

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

Part 1910 of Title 29 of the Code of Federal Regulations requires general hospitals to provide adequate PPE to hospital staff. However, no federal standards apply to stockpiling of such equipment.

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

The regulations will become effective upon filing with the Department of State. These regulations are expected to be proposed for permanent adoption at the next meeting of the Public Health and Health Planning Council following the termination of the COVID-19 emergency.

#### **Regulatory Flexibility Analysis**

##### **Effect on Small Business and Local Government:**

This regulation will not impact local governments or small businesses

unless they operate a general hospital. Currently there are five general hospitals in New York that employ less than 100 staff and qualify as small businesses.

**Compliance Requirements:**

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

**Professional Services:**

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

**Compliance Costs:**

The purpose of this regulation is to require general hospitals to maintain adequate stockpiles of PPE. The initial cost to general hospitals as they establish stockpiles of PPE will vary depending on the number of staff working at each general hospital. However, as general hospitals are already obligated to provide PPE to their staff by regulations established by the federal Occupational Health and Safety Administration, and as all stockpiled PPE is anticipated to be used as part of routine hospital operations, this regulation imposes no long-term additional costs to regulated parties.

**Economic and Technological Feasibility:**

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

**Minimizing Adverse Impact:**

As these regulations require general hospitals to maintain stockpiles of PPE, which they are already obligated to provide to staff under existing federal regulations, any adverse impacts are expected to be minimal.

**Small Business and Local Government Participation:**

Due to the emergent nature of COVID-19, small business and local governments were not consulted.

**Rural Area Flexibility Analysis**

**Type and Estimated Numbers of Rural Areas:**

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

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

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

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

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

There are 47 general hospitals located in rural areas.

Reporting, recordkeeping, and other compliance requirements; and professional services:

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

**Compliance Costs:**

The purpose of this regulation is to require general hospitals to maintain adequate stockpiles of PPE. The initial cost to general hospitals as they establish stockpiles of PPE will vary depending on the number of staff working at each general hospital. However, as general hospitals are already obligated to provide PPE to their staff by regulations established by the federal Occupational Health and Safety Administration, and as all stockpiled PPE is anticipated to be used as part of routine hospital operations, this regulation imposes no long-term additional costs to regulated parties.

**Economic and Technological Feasibility:**

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

**Minimizing Adverse Impact:**

As these regulations simply require general hospitals to maintain stockpiles of PPE, that they are already obligated to provide to staff under existing federal regulations, any adverse impacts are expected to be minimal.

**Rural Area Participation:**

Due to the emergent nature of COVID-19, parties representing rural areas were not consulted.

**Job Impact Statement**

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

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

**Hospital Non-Comparable Ambulance Acute Rate Add-On**

**I.D. No.** HLT-31-20-00012-EP

**Filing No.** 440

**Filing Date:** 2020-07-21

**Effective Date:** 2020-07-21

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

**Proposed Action:** Amendment of section 86-1.15 of Title 10 NYCRR.

**Statutory authority:** L. 2020, ch. 56

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

**Specific reasons underlying the finding of necessity:** The proposed amendment restricts article 28 hospitals eligible to receive a non-comparable ambulance add-on in their acute inpatient rate to providers that are not receiving a supplemental payment for these costs in accordance with chapter 56 of the Laws of 2020 effective on October 1, 2020.

Section three of part LL of chapter 56 of the Laws of 2020 provides the Commissioner of Health with authority to issue emergency regulations. This regulation amendment is required in order to eliminate any potential duplicate payment for these ambulance services.

**Subject:** Hospital Non-comparable Ambulance Acute Rate Add-on.

**Purpose:** Prevents duplicate claiming by Article 28 hospitals for the ambulance add-on regarding participation in the program.

**Text of emergency/proposed rule:** Pursuant to the authority vested in the Commissioner of Health by section three of Part LL of Chapter 56 of the Laws of 2020, paragraph (1) of subdivision (1) of Section 86-1.15 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to be effective on or after October 1, 2020, to read as follows:

(1) Medicaid costs associated with ambulance services operated by a facility and reported as inpatient costs in the institutional cost report. *Effective October 1, 2020, these costs shall exclude ground emergency transportation services costs that are being reimbursed pursuant to Chapter 56 of the Laws of 2020; and*

**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 18, 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: regsna@health.ny.gov

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

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

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

#### Regulatory Impact Statement

##### Statutory Authority:

The statutory authority for this regulation is contained in Chapter 56 of the Laws of 2020 and authorizes the Commissioner to promulgate regulations, including emergency regulations, regarding a supplemental Medicaid reimbursement payment for ground emergency medical transportation services. This supplemental payment is in lieu of an ambulance non-comparable add-on in the hospital acute inpatient reimbursement rate. Rate regulations are set forth in Subpart 86-1 of Title 10 (Health) of the Official Compilation of Codes, Rules, and Regulations of the State of New York (NYCRR).

##### Legislative Objectives:

The legislative objective is to provide the ability to participate in the supplemental payment for ground emergency medical transportation services but eliminate any potential duplicate Medicaid reimbursement.

##### Needs and Benefits:

Based on the requirements of Chapter 56 of the Laws of 2020, eligible ground emergency transportation providers will be provided the ability to participate in a supplemental payment in lieu of receiving reimbursement through a hospital. Article 28 hospitals currently receive reimbursement through their acute hospital inpatient rate for ambulance services provided by the ground emergency medical transportation providers. For ground emergency transportation providers that meet the requirements of this chapter and receive the supplemental payment, the hospitals through which they were reimbursed will not be eligible to also receive the ambulance add-on in the acute hospital inpatient rate.

##### Costs:

##### Costs to Private Regulated Parties:

There will be no additional costs to private regulated parties.

##### Costs to State Government:

There is no cost to State Government for this proposed regulation.

##### Costs of Local Government:

There is no cost to Local Government for this proposed regulation.

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

There will be no additional costs to the Department of Health as a result of this proposed regulation.

##### Local Government Mandates:

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

##### Paperwork:

No additional paperwork is required of providers.

##### Duplication:

This regulation does not duplicate any existing federal, state or local government regulation.

##### Alternatives:

There is no alternative as an alternative would provide a duplicate payment to hospitals.

##### Federal Standards:

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

##### Compliance Schedule:

The Department of Health will be implementing the ground emergency transportation services supplemental program effective on or after October 1, 2020 which requires the potential duplicate payment be removed as of the same date.

#### Regulatory Flexibility Analysis

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

#### Rural Area Flexibility Analysis

No rural flexibility analysis is required pursuant to section 202-bb(4)(a) of the State Administrative Procedure Act. The proposed regulations do not impose an adverse impact on facilities in rural areas, and they do not impose reporting, record keeping or other compliance requirements on facilities in rural areas.

#### Job Impact Statement

A Job Impact Statement is not required pursuant to Section 201-a(2)(a) of the State Administrative Procedure Act. The proposed rule will not have a

substantial adverse impact on jobs or employment opportunities, nor does it have adverse implications for job opportunities.

## Metropolitan Transportation Agency

### NOTICE OF ADOPTION

#### Debarment of Contractors

**I.D. No.** MTA-23-19-00006-A

**Filing No.** 461

**Filing Date:** 2020-07-22

**Effective Date:** 2020-08-05

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

**Action taken:** Addition of Part 1004 to Title 21 NYCRR.

**Statutory authority:** Public Authorities Law, sections 1265(5), 1266(4) and 1279-h

**Subject:** Debarment of contractors.

**Purpose:** To comply with Public Authorities Law, section 1279-h, which requires the MTA to establish a debarment process.

**Text or summary was published** in the June 5, 2019 issue of the Register, I.D. No. MTA-23-19-00006-EP.

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

**Revised rule making(s) were previously published in the State Register** on June 3, 2020.

**Text of rule and any required statements and analyses may be obtained from:** Peter Sistrom, Deputy General Counsel, Metropolitan Transportation Authority, 2 Broadway, 4th Floor, New York, New York 10004, (212) 878-7176, email: psistrom@mtahq.org

#### 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

In contrast to the nearly 50 separate public comments totaling over 200 pages that the MTA received on the original proposed debarment rule, the MTA received only three comments on the revised debarment rule.

One commenter, who commented on the original proposed rule, called the revised rule a “workable way forward that is not excessively punitive,” but criticized the debarment statute itself as a “blunt and ineffective solution” adopted by the Legislature during “late night Albany budget negotiations” and urged that it be repealed. As the commenter noted, however, the MTA is obliged under that existing law to adopt by regulation a process for debarment of contractors.

The other two comments were substantially identical. Both commenters said that the revised rule addressed most issues they had raised with the original proposed rule, but not all. Both suggested that a debarment panel of two MTA managerial employees and one neutral arbitrator, all chosen by the MTA Board, cannot possibly be fair to the contractor. That is unduly pessimistic and in any event the debarment panel’s determination to debar a contractor must be ratified by the MTA Board and a contractor will have full opportunity to convince the MTA Board not to do so.

The two commenters also suggested that the MTA should postpone a debarment proceeding based on contractor delay until the contractor’s request for an extension of time is fully resolved. The rule, however, already provides that the MTA must defer initiating a debarment proceeding until it has evaluated and determined a request for extension of time and further provides for additional deferrals of debarment proceedings subject to MTA Board approval.

The commenters both also expressed concern that “innocent” firms in a partnership or joint venture with a debarred contractor or employees of such a contractor might be unfairly debarred. The rule, however, provides that such firms or employees could be debarred only if a “material and knowing causal connection” exists between them and the “ground for the contractor’s debarment” and it ensures they will have notice and an opportunity to be heard on that issue.

## Public Service Commission

### NOTICE OF ADOPTION

#### Joint Proposal for Merger and Establishment of a Four-year Rate Plan

**I.D. No.** PSC-23-19-00005-A

**Filing Date:** 2020-07-16

**Effective Date:** 2020-07-16

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

**Action taken:** On 7/16/20, the PSC adopted an order adopting the terms of a joint proposal executed by Suez Water New York Inc., et. al. (Suez) for a merger and to establish a four-year rate plan for through January 31, 2024.

**Statutory authority:** Public Service Law, section 89-c

**Subject:** Joint Proposal for merger and establishment of a four-year rate plan.

**Purpose:** To adopt the terms of Suez's joint proposal for a merger and establishment of a four-year rate plan.

**Substance of final rule:** The Commission, on July 16, 2020, adopted an order adopting the terms of a joint proposal executed by SUEZ Water New York Inc. (SWNY), SUEZ Water Westchester Inc. (SWW), SUEZ Water Owego-Nichols Inc. (SWON), the New York State Department of Public Service Staff, and the Signatory Parties, approving the merger of the Suez companies to operate as SWNY upon completion of the merger and establishing a four-year rate plan for the period of February 1, 2020 through January 31, 2024. SWW and SWON are authorized to dissolve and SWNY is authorized to file a Certificate of Merger with the State of New York Department of State, as the surviving entity, subject to the terms and conditions set forth in the order.

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

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

#### Assessment of Public Comment

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

(19-W-0168SA1)

### NOTICE OF ADOPTION

#### Staff Rate Design for Mass Market Net Metering Successor Tariff Whitepaper

**I.D. No.** PSC-52-19-00005-A

**Filing Date:** 2020-07-16

**Effective Date:** 2020-07-16

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

**Action taken:** On 7/16/20, the PSC adopted an order approving, with modifications, Department of Public Service Staff's (Staff) Whitepaper and directed the six major electric utilities to file tariffs implementing the Customer Benefit Contribution charge.

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

**Subject:** Staff Rate Design for Mass Market Net Metering Successor Tariff Whitepaper.

**Purpose:** To approve, with modifications, Staff's Whitepaper and direct the six major electric utilities to file tariffs.

**Substance of final rule:** The Commission, on July 16, 2020, adopted an order approving, with modifications, Department of Public Service Staff's (Staff) Rate Design for Mass Market Net Metering Successor Tariff Whitepaper and directed Central Hudson Gas & Electric Corporation (Central Hudson), Consolidated Edison Company of New York, Inc. (Con Edison), New York State Electric & Gas Corporation (NYSEG), Niagara

Mohawk Power Corporation d/b/a National Grid (National Grid), Orange and Rockland Utilities, Inc. (O&R), and Rochester Gas and Electric Corporation (RG&E) to file, in conformance with the discussion in the body of the order, proposed draft tariff leaves and a proposed draft tariff statement implementing the Customer Benefit Contribution charge by November 1, 2020 for Commission review. Central Hudson, Con Edison, NYSEG, National Grid, O&R and RG&E are also directed to file, in conformance with the discussion in the body of the order, proposed Customer Benefit Contribution calculations for solar photovoltaic (PV) customers choosing standby or TOU rates and for customers with non-PV net energy metering eligible technologies by November 1, 2020 for Commission review. Staff shall issue an updated standard disclosure statement for mass-market distributed generation customers including information on the Customer Benefit Charge by December 31, 2020, subject to the terms and conditions set forth in the order.

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

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

#### Assessment of Public Comment

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

(15-E-0751SA31)

### NOTICE OF ADOPTION

#### Submetering of Electricity

**I.D. No.** PSC-05-20-00003-A

**Filing Date:** 2020-07-20

**Effective Date:** 2020-07-20

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

**Action taken:** On 7/16/20, the PSC adopted an order approving 11 Hoyt Owner, LLC's (11 Hoyt) notice of intent to submeter electricity at 11 Hoyt Street, Brooklyn, New York.

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

**Subject:** Submetering of electricity.

**Purpose:** To approve 11 Hoyt's notice of intent to submeter electricity.

**Substance of final rule:** The Commission, on July 16, 2020, adopted an order approving 11 Hoyt Owner, LLC's notice of intent to submeter electricity at 11 Hoyt Street, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

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

#### Assessment of Public Comment

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

(19-E-0772SA1)

### NOTICE OF ADOPTION

#### EV Make-Ready Program and Other Programs

**I.D. No.** PSC-05-20-00004-A

**Filing Date:** 2020-07-16

**Effective Date:** 2020-07-16

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

**Action taken:** On 7/16/20, the PSC adopted an order establishing the Electric Vehicle (EV) Infrastructure Make-Ready Program and directed the major electric utilities to implement its respective Make-Ready Programs and other programs.

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

**Subject:** EV Make-Ready Program and other programs.

**Purpose:** To establish the EV Make-Ready Program and direct the major utilities to implement the programs.

**Substance of final rule:** The Commission, on July 16, 2020, adopted an order establishing the Electric Vehicle Infrastructure Make-Ready Program, and other programs, and directed Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Central Hudson Gas & Electric Corporation, Rochester Gas and Electric Corporation, and Orange and Rockland Utilities, Inc. to implement their respective programs, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(18-E-0138SA4)

## NOTICE OF ADOPTION

### Transfer of All Water Assets and Dissolution of the Company

**I.D. No.** PSC-09-20-00003-A

**Filing Date:** 2020-07-17

**Effective Date:** 2020-07-17

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

**Action taken:** On 7/16/20, the PSC adopted an order approving Lake Meadows Water Company, Inc. and the Town of North Greenbush's petition for the transfer of all the Company's water supply assets to the Town and the dissolution of the Company.

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

**Subject:** Transfer of all water assets and dissolution of the company.

**Purpose:** To approve Lake Meadows Water and North Greenbush's petition for transfer of all water assets and dissolution of the company.

**Substance of final rule:** The Commission, on July 16, 2020, adopted an order approving Lake Meadows Water Company, Inc. (Lake Meadows) and the Town of North Greenbush's (North Greenbush) petition for the transfer of all Lake Meadows' water supply assets to North Greenbush and the dissolution of Lake Meadows. Within 30 days of the date of closing, Lake Meadows is directed to file a cancellation supplement, cancelling its tariff schedule, P.S.C. No. 2 – Water, to become effective on not less than one day's notice, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(20-W-0063SA1)

## NOTICE OF ADOPTION

### Transfer of All Assets

**I.D. No.** PSC-11-20-00009-A

**Filing Date:** 2020-07-17

**Effective Date:** 2020-07-17

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

**Action taken:** On 7/16/20, the PSC adopted an order approving the joint

petition between New York American Water Company, Inc. (NYAW) and Whitlock Farms Water Corp., Inc. (Whitlock) for authority to transfer all assets of Whitlock to NYAW.

**Statutory authority:** Public Service Law, sections 89-c and 89-h

**Subject:** Transfer of all assets.

**Purpose:** To approve NYAW and Whitlock's joint petition to transfer all assets.

**Substance of final rule:** The Commission, on July 16, 2020, adopted an order approving the joint petition between New York American Water Company, Inc. (NYAW) and Whitlock Farms Water Corp., Inc. (Whitlock) for authority to transfer all assets of Whitlock to NYAW, 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.

(17-W-0668SA2)

## NOTICE OF ADOPTION

### Transfer of Property

**I.D. No.** PSC-12-20-00011-A

**Filing Date:** 2020-07-20

**Effective Date:** 2020-07-20

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

**Action taken:** On 7/16/20, the PSC adopted an order approving Rochester Gas and Electric Corporation's (RG&E) petition to transfer the property located at 56 Main Street, in the Village of Geneseo, to Rocco Dragani.

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

**Subject:** Transfer of property.

**Purpose:** To approve RG&E's petition to transfer property.

**Substance of final rule:** The Commission, on July 16, 2020, adopted an order approving Rochester Gas and Electric Corporation's petition to transfer the property located at 56 Main Street, in the Village of Geneseo, to Rocco Dragani, 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-0094SA1)

## NOTICE OF ADOPTION

### Tariff Amendments

**I.D. No.** PSC-12-20-00013-A

**Filing Date:** 2020-07-16

**Effective Date:** 2020-07-16

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

**Action taken:** On 7/16/20, the PSC adopted an order approving Valley Energy, Inc.'s (Valley Energy) tariff amendments to P.S.C. No. 1—Gas, to become effective on August 1, 2020.

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

**Subject:** Tariff amendments.

**Purpose:** To approve Valley Energy's tariff amendments.

**Substance of final rule:** The Commission, on July 16, 2020, adopted an

order approving Valley Energy, Inc.’s (Valley Energy) tariff amendments to P.S.C. No. 1 – Gas, relating to billing information for residential rental premises, to become effective on August 1, 2020. Valley Energy is directed to inform its residential customers about the tariff amendments via website postings, social media, and bill messaging. These communications shall occur within 90 days of the issuance of the order. Valley Energy is also directed to update its respective communication material to include ongoing messaging regarding PSL § 66-p, 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-M-0029SA10)

**NOTICE OF ADOPTION**

**Transfer of Street Lighting Facilities**

**I.D. No.** PSC-13-20-00008-A

**Filing Date:** 2020-07-20

**Effective Date:** 2020-07-20

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

**Action taken:** On 7/16/20, the PSC adopted an order approving New York State Electric & Gas Corporation’s (NYSEG) petition for authority to transfer street lighting facilities located within the Village of Lancaster to Lancaster.

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

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

**Purpose:** To approve NYSEG’s petition to transfer street lighting facilities.

**Substance of final rule:** The Commission, on July 16, 2020, adopted an order approving New York State Electric & Gas Corporation’s petition for authority to transfer street lighting facilities located within the Village of Lancaster to Lancaster. The authority is granted for one year from the issuance of the order and shall expire if the transaction does not occur within that time period, 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-0109SA1)

**NOTICE OF ADOPTION**

**Transfer of Street Lighting Facilities**

**I.D. No.** PSC-16-20-00010-A

**Filing Date:** 2020-07-20

**Effective Date:** 2020-07-20

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

**Action taken:** On 7/16/20, the PSC adopted an order approving New York State Electric & Gas Corporation’s (NYSEG) petition for authority to transfer street lighting facilities located within the Town of Clifton Park to Clifton Park.

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

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

**Purpose:** To approve NYSEG’s petition to transfer street lighting facilities.

**Substance of final rule:** The Commission, on July 16, 2020, adopted an

order approving New York State Electric & Gas Corporation’s (NYSEG) petition for authority to transfer street lighting facilities located within the Town of Clifton Park to Clifton Park. The authority is granted for one year from the issuance of the order and shall expire if the transaction does not occur within that time period, 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-0115SA1)

**NOTICE OF ADOPTION**

**Tariff Amendments**

**I.D. No.** PSC-19-20-00006-A

**Filing Date:** 2020-07-16

**Effective Date:** 2020-07-16

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

**Action taken:** On 7/16/20, the PSC adopted an order approving New York Municipal Power Agency’s (NYMPA) tariff amendments to P.S.C. No. 1—Electricity, to become effective on August 1, 2020.

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

**Subject:** Tariff amendments.

**Purpose:** To approve NYMPA’s tariff amendments.

**Substance of final rule:** The Commission, on July 16, 2020, adopted an order approving New York Municipal Power Agency’s (NYMPA) tariff amendments to P.S.C. No. 1 — Electricity, relating to billing information for residential rental premises, to become effective on August 1, 2020. NYMPA is directed to inform its residential customers about the tariff amendments via website postings, social media, and bill messaging. These communications shall occur within 90 days of the issuance of the order. NYMPA is also directed to update its respective communication material to include ongoing messaging regarding PSL § 66-p, 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-M-0029SA11)

**NOTICE OF ADOPTION**

**Tariff Amendments**

**I.D. No.** PSC-19-20-00007-A

**Filing Date:** 2020-07-16

**Effective Date:** 2020-07-16

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

**Action taken:** On 7/16/20, the PSC adopted an order approving Hamilton Municipal Utilities Commission’s (Hamilton) tariff amendments to P.S.C. No. 1—Gas, to become effective on August 1, 2020.

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

**Subject:** Tariff amendments.

**Purpose:** To approve Hamilton’s tariff amendments.

**Substance of final rule:** The Commission, on July 16, 2020, adopted an order approving Hamilton Municipal Utilities Commission’s (Hamilton)

tariff amendments to P.S.C. No. 1 – Gas, relating to billing information for residential rental premises, to become effective on August 1, 2020. Hamilton is directed to inform its residential customers about the tariff amendments via website postings, social media, and bill messaging. These communications shall occur within 90 days of the issuance of the order. Hamilton is also directed to update its respective communication material to include ongoing messaging regarding PSL § 66-p, 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-M-0029SA12)

## NOTICE OF ADOPTION

### Petition for Corporate Restructuring, Transfer of Assets, and a Lightened Regulatory Regime

**I.D. No.** PSC-19-20-00008-A

**Filing Date:** 2020-07-17

**Effective Date:** 2020-07-17

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

**Action taken:** On 7/16/20, the PSC adopted an order approving Champlain Hudson Power Express, Inc., et. al.'s (CHPE) petition for a corporate restructuring, transfer of assets, and a lightened regulatory regime.

**Statutory authority:** Public Service Law, sections 2(13), 5(1)(b), (h), 70 and 121

**Subject:** Petition for corporate restructuring, transfer of assets, and a lightened regulatory regime.

**Purpose:** To approve CHPE's petition for corporate restructuring, transfer of assets, and a lightened regulatory regime.

**Substance of final rule:** The Commission, on July 16, 2020, adopted an order approving Champlain Hudson Power Express, Inc., CHPE Properties, Inc., and CHPE LLC's (CHPE) petition for a corporate restructuring and a transfer of ownership interests in CHPE Properties, Inc., federal and state permits, NYISO Queue Position #631, and certain contracts and options in real property related to the Champlain Hudson Power Express Project. The Commission also grants CHPE LLC a lightened regulatory regime, 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-0145SA1)

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Authority to Issue and Sell Promissory Notes

**I.D. No.** PSC-31-20-00003-P

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

**Proposed Action:** The Commission is considering the petition of National Fuel Gas Distribution Corp. to issue promissory notes up to \$300 million for construction programs and for general corporate purposes and to enter into derivative instruments through December 31, 2023.

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

**Subject:** Authority to issue and sell promissory notes.

**Purpose:** To consider the petition of National Fuel Gas Distribution Corporation to issue up to \$300 million in promissory notes.

**Substance of proposed rule:** The Public Service Commission is considering a petition filed by National Fuel Gas Distribution Corporation (NFG), on July 6, 2020, authorizing the issuance of long-term indebtedness for the purposes authorized under Public Service Law Section 69 through December 31, 2023.

Specifically, NFG proposes to issue secured promissory notes to National Fuel Gas Company (Parent) in the principal amount of not more than \$300,000,000, and apply the proceeds from the sale of such notes to: (i) fund construction programs for calendar years 2021, 2022 and 2023; (ii) repay short-term debt obligations currently outstanding and a \$49 million promissory note issued by NFG to Parent; and (iii) use for general corporate purposes. In addition, if Parent enters into agreements concerning derivative instruments, NFG may enter into like agreements with Parent.

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](http://www.dps.ny.gov). The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

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

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

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

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

(20-G-0317SP1)

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Submetering of Electricity

**I.D. No.** PSC-31-20-00004-P

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

**Proposed Action:** The Commission is considering the petition of 25 Park Row Condominium to submeter electricity at 25 Park Row, New York, New York.

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

**Subject:** Submetering of electricity.

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

**Substance of proposed rule:** The Commission is considering the petition, filed by 25 Park Row Condominium on June 18, 2020, to submeter electricity at 25 Park Row, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.

In the Petition, 25 Park Row Condominium requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://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-E-0301SP1)

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

**Changes to PSL Section 66-p Relating to Billing Information for Residential Rental Premises**

**I.D. No.** PSC-31-20-00005-P

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

**Proposed Action:** The Commission is considering a proposal filed by the Village of Freeport to modify its electric tariff schedule regarding changes to PSL Section 66-p relating to billing information for residential rental premises.

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

**Subject:** Changes to PSL Section 66-p relating to billing information for residential rental premises.

**Purpose:** To establish provisions as necessary to effectuate PSL Section 66-p.

**Substance of proposed rule:** The Commission is considering a proposal filed by the Village of Freeport (Freeport or the Company) on July 8, 2020, to amend its electric tariff schedule, P.S.C. No. 9. Freeport proposes to establish provisions relating to billing information for residential rental properties in accordance with the recently enacted Public Service Law Section 66-p which became effective on April 18, 2020.

Freeport proposes to include language in its electric tariff specifying that the Company shall provide the prospective tenant and landlord or other authorized person of prospective residential premises the total electric charges incurred for the life at such premises, or the preceding two-year period, whichever is shorter, within ten days of receipt of the written request, at no cost to the requestor. The proposed amendments have an effective date of November 1, 2020.

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

The Commission is considering a proposal filed by the Village of Freeport (Freeport or the Company) on July 8, 2020, to amend its electric tariff schedule, P.S.C. No. 9. Freeport proposes to establish provisions relating to billing information for residential rental properties in accordance with the recently enacted Public Service Law Section 66-p which became effective on April 18, 2020.

Freeport proposes to include language in its electric tariff specifying that the Company shall provide the prospective tenant and landlord or other authorized person of prospective residential premises the total electric charges incurred for the life at such premises, or the preceding two-year period, whichever is shorter, within ten days of receipt of the written request, at no cost to the requestor. The proposed amendments have an effective date of November 1, 2020.

The full text of the proposal and the full record of the proceeding may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://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](mailto: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](mailto: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-M-0029SP16)

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

**Authority to Issue and Sell Long-Term Indebtedness, Preferred Stock, Hybrid Securities and to Enter into Derivative Instruments**

**I.D. No.** PSC-31-20-00006-P

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

**Proposed Action:** The Commission is considering a petition filed by Rochester Gas and Electric Corporation (RG&E) requesting authority to issue and sell Long-Term Indebtedness, Preferred Stock and Hybrid Securities, and to enter into derivative instruments.

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

**Subject:** Authority to issue and sell Long-Term Indebtedness, Preferred Stock, Hybrid Securities and to enter into derivative instruments.

**Purpose:** To consider RG&E's request for authority to issue and sell Long-Term Indebtedness.

**Substance of proposed rule:** The Public Service Commission is considering a petition filed by Rochester Gas and Electric Corporation (RG&E) on June 12, 2020, seeking authority to issue and sell Long-Term debt obligations having a maturity of more than one year.

The requested authority would permit RG&E to issue and sell up to a total of up to \$700 million of debt (New Debt), the net proceeds of which would be used toward (i) reimbursement of RG&E's treasury for moneys expended for capital purposes through March 31, 2023; and (ii) refinancing \$125 million of taxable debt that matures on July 29, 2021 pursuant to Public Service Law, Section 69 and all other related matters. RG&E also requested authority to defer and amortize the issuance expenses associated with its New Debt and Refunding Debt.

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](http://www.dps.ny.gov). The Commission may adopt, modify, or reject, 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](mailto: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](mailto: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-M-0285SP1)

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

**Transfer of Street Lighting Facilities**

**I.D. No.** PSC-31-20-00007-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 Niagara Mohawk Power Corporation d/b/a National Grid for the transfer of certain street lighting facilities located in the City of Gloversville, New York to the City of Gloversville.

**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 July 8, 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 Gloversville (City) to the City.

The original cost of the facilities was approximately \$524,508 and the net book value is \$247,573 as of February 29, 2020. The Company proposes to transfer the ownership of the street lighting facilities to the City for approximately \$243,401, 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 viewed online at the Department of Public Service web page: [www.dps.ny.gov](http://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](mailto: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](mailto: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-0323SP1)

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

**Submetering of Electricity**

**I.D. No.** PSC-31-20-00008-P

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

**Proposed Action:** The Commission is considering the notice of intent of 243 West End Owners Inc. to submeter electricity at 243 West End Avenue, New York, NY.

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

**Subject:** Submetering of electricity.

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

**Substance of proposed rule:** The Commission is considering the notice of intent, filed by 243 West End Owners Inc, on July 14, 2020, to submeter electricity at 243 West End Avenue, New York, NY, 10023 located in the territory of Consolidated Edison Company of New York, Inc. (Con Edison).

In the notice of intent, 43 West End Owners Inc, requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

The full text of the notice of intent and the full record of the proceeding may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://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](mailto: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](mailto: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-0354SP1)

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

**Partial Waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process**

**I.D. No.** PSC-31-20-00009-P

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

**Proposed Action:** The Commission is considering a petition filed on July 9, 2020 by Kiwi Energy NY LLC for a waiver of the Commission's December 12, 2019 Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.

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

**Subject:** Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.

**Purpose:** To consider whether Kiwi Energy NY LLC should be permitted to offer its Kiwi Guard product to mass market customers in New York.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed on July 9, 2020 by Kiwi Energy NY LLC (Kiwi Energy) for a partial waiver of the Commission's Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process, issued on December 12, 2019 in Case 15-M-0127, et al. (December 2019 Order).

The December 2019 Order, among other things, limited the types of products that energy service companies (ESCOs) can offer to New York mass market customers to those products that: (1) include a guaranteed savings over the utility price, as reconciled on an annual basis; (2) are for a fixed-rate commodity product that is priced at no more than 5% greater than the trailing 12-month average utility supply rate; and, (3) are for a renewably sourced electric commodity product that (a) has a renewable mix that is at least 50% greater than the ESCO's current Renewable Energy Standard (RES) obligation, and (b) the ESCO complies with the RES locational and delivery requirements when procuring Renewable Energy Credits (RECs) or entering into bilateral contracts for renewable commodity supply. Additionally, the December 2019 Order allowed for an additional product to be offered by Agway Energy Services, LLC (Agway) who provides customers with its EnergyGuard service. The December 2019 Order provided a limited opportunity for other ESCOs to petition the Commission for the opportunity to sell a product/service similar to EnergyGuard.

Kiwi Energy requests that the Commission permit it to offer its "Kiwi Guard" product to mass market customers. According to Kiwi energy, the proposed Kiwi Guard product is a home warranty and maintenance product that provides warranty-type coverage of certain repairs and replacement of home heating and cooling equipment in the event of mechanical failures. Kiwi states that the Kiwi Guard plan covers customers' central air conditioning and heating systems, ductwork, refrigerant, rust and corrosion, and unknown preexisting conditions. The Kiwi Guard product, Kiwi Energy continues, allows customers to report problems with their heating and cooling systems through their online Kiwi Energy accounts or by telephone at any time, 24 hours a day/seven days a week, and then be matched with local service professionals who will respond to the service request. Kiwi notes that the maximum amount of coverage allowable under Kiwi Guard is \$750 a year plus a \$25 credit included in the plan towards the cost of a filter. Kiwi further states that there is a \$125 deductible with the Kiwi Guard product that covers the initial service fee and any additional visits necessary to fully resolve the issue, and that in addition to any applicable product warranties, Kiwi Guard also provides a workmanship warranty of 180 days. Additionally, Kiwi Energy offers that the Kiwi Guard product provides coverage, up to \$1,200 on an annual basis, for the cost of emergency lodging in the event of certain equipment outages or failures.

Kiwi Energy asserts that the Kiwi Guard product is an appropriate value-added product consistent with the directives of the December 2019 Order. Kiwi Energy further argues that approval of the Kiwi Guard product is appropriate because there is no meaningful difference between the Kiwi Guard product and the EnergyGuard product already approved by the Commission. Finally, Kiwi Energy asserts that approval of the Kiwi Guard product is in the public interest because customers view such warranty-type products that protect against unexpected costs to repair or replace their energy equipment as beneficial.

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.

(15-M-0127SP26)

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

**Submetering of Electricity and Waiver of Energy Audit**

**I.D. No.** PSC-31-20-00010-P

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

**Proposed Action:** The Commission is considering the notice of intent of Woodlawn Senior Living LLC to submeter electricity at 69 East 233rd Street, Bronx, NY and request for waiver of an energy audit in 16 NYCRR section 96.5(k)(3).

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

**Subject:** Submetering of electricity and waiver of energy audit.

**Purpose:** To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.

**Substance of proposed rule:** The Commission is considering the notice of intent, filed by Woodlawn Senior Living on February 3, 2020, to submeter electricity at 69 East 233rd Street, Bronx, New York, located in the Territory of Consolidated Edison Company of New York, Inc.

In the notice of intent, Woodlawn Senior Living requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96. The Commission is also considering the Owner's request for waiver of 16 NYCRR § 96.5(k)(3), which requires proof that an energy audit has been conducted when 20 percent or more of the residents receive income-based housing assistance. The owner states that because the building is new construction, it must comply with the current New York City Energy Conservation Construction Code, which provides strict energy conservation requirements for new and renovated buildings, therefore an energy audit is not appropriate in this case.

The full text of the notice of intent and waiver request 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-E-0049SP1)

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

**Submetering of Electricity**

**I.D. No.** PSC-31-20-00011-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 notice of intent of 215 West 28th Street Property Owner LLC to submeter electricity at 215 West 28th Street, New York, NY.

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

**Subject:** Submetering of electricity.

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

**Substance of proposed rule:** The Commission is considering the notice of intent, filed by 215 West 28th Street Property Owner LLC on July 7, 2020, to submeter electricity at 215 West 28th Street, New York, NY, located in the territory of Consolidated Edison Company of New York, Inc. (Con Edison).

In the notice of intent, 215 West 28th Street Property Owner LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

**Data, views or arguments may be submitted to:** Michelle 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-0321SP1)

**Workers' Compensation Board**

**EMERGENCY  
RULE MAKING**

**Allowing Telemedicine in Some Circumstances, Supersede Previous Emergency Adoption**

**I.D. No.** WCB-31-20-00002-E

**Filing No.** 439

**Filing Date:** 2020-07-21

**Effective Date:** 2020-07-21

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

**Action taken:** Amendment of sections 325-1.8, 329-1.3, 329-4.2, 333.2 and 348.2 of Title 12 NYCRR.

**Statutory authority:** Workers' Compensation Law, sections 117 and 142

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

**Specific reasons underlying the finding of necessity:** This amendment is

adopted as an emergency measure because the Board wants to avoid health and safety risks that can be avoided through social distancing due to the outbreak of COVID-19, by allowing telemedicine in some circumstances.

**Subject:** Allowing telemedicine in some circumstances, supersede previous emergency adoption.

**Purpose:** To allow telemedicine in some circumstances for social distancing purposes due to outbreak of COVID-19.

**Text of emergency rule:** Section 325-1.8 of Title 12 NYCRR is hereby amended to read as follows:

325-1.8 Emergency medical aid and telemedicine.

(a) In the event of a serious accident requiring immediate emergency medical aid, an ambulance or any physician may be called to give first aid treatment.

(b) *Telemedicine, using two-way audio and visual electronic communication, or treatment via telephone, may be used by authorized providers where medically appropriate for social distancing purposes due to the outbreak of COVID-19 during the state of emergency in accordance with the Department of Health COVID-19 Medicaid Guidance and Guidance issued by the Centers for Medicare and Medicaid Services. The authorized provider shall indicate on their report that such assessment was done using telemedicine by use of modifier 95 and indicating a place of service as 11, or telephonically by indicating place of service as 02. The provider shall also confirm the employee's identity as well as provide basic information about the services the employee is receiving by telephone or telemedicine.*

New subdivisions (c) and (d) of section 329-1.3 of Title 12 NYCRR is hereby added to read as follows:

*When medically appropriate, authorized providers who utilize the Official New York State Workers' Compensation Fee Schedule may, when telemedicine is used in accordance with section 325-1.8 of this Title and any applicable Medical Treatment Guideline, bill using the applicable Evaluation and Management codes (99212-99214) using modifier 95 and indicating 11 as the place of service. Modifiers 1B and 1D are available when services are rendered by telemedicine using two-way audio and visual communication. When services are rendered by telephone only in accordance with section 325-1.8 of this Title, the authorized provider shall indicate 02 as the place of service. Modifiers 1B and 1D are not available when services are rendered by telephone with no visual component.*

(d) *Providers with the rating codes listed in Modifier 1B of the Introduction and General Guidelines of the Official New York State Workers' Compensation Medical Fee Schedule may bill the following psychotherapy codes in conjunction with Evaluation and Management codes:*

(i) *New patient Evaluation and Management: 99201-99204;*

(ii) *Psychotherapy combination codes and crisis codes: 90832-90834, 90836-90840, 90853;*

A new subdivision (d) of section 329-4.2 of Title 12 NYCRR is hereby added to read as follows:

(d) *When medically appropriate, authorized physical therapists, occupational therapists and acupuncturists shall use Common Procedural Technology (CPT) code 99212 using modifier 95 and indicating 11 as the place of service when treatment is rendered by telemedicine using two-way audio and visual communication, and indicating 02 as the place of service when treatment is rendered by telephone only. Treatment in accordance with section 325-1.8 of this Title and using these codes shall be limited to one unit per patient per day, up to two treatments per week during the thirty days following injury, and up to one treatment per week thereafter.*

New subdivisions (c) and (d) of section 333.2 of Title 12 NYCRR is hereby added to read as follows:

(c) *When medically appropriate, authorized providers, including psychologists and licensed clinical social workers, shall use a Common Procedural Technology (CPT) therapy code (90832, 90834, or 90837) for services delivered by telemedicine in accordance with section 325-1.8 of this Title using modifier 95 and indicating 11 as the place of service for therapy by telemedicine using two-way audio and visual communication. Modifiers 1B and 1D are available when services are rendered by telemedicine using two-way audio and visual communication. When services are rendered by telephone only in accordance with section 325-1.8 of this Title, the authorized provider shall indicate 02 as the place of service. Modifiers 1B and 1D are not available when services are rendered by telephone with no visual component. Group therapy: 90853. Group therapy is limited to a maximum of 20 participants and does not require that every participant in the group therapy session be a workers' compensation claimant.*

A new subdivision (c) of section 348.2 of Title 12 NYCRR is hereby amended to read as follows:

(c) *When medically appropriate, authorized chiropractors shall use Common Procedural Technology (CPT) code 99212 using modifier 95 and indicating 11 as the place of service when treatment is rendered by*

*telemedicine using two-way audio and visual communication, and indicating 02 as the place of service when treatment is rendered by telephone only. Treatment in accordance with section 325-1.8 of this Title and using these codes shall be limited to one unit per patient per day, up to two treatments per week during the thirty days following injury, and up to one treatment per week thereafter.*

**This notice is intended** to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires October 18, 2020.

**Text of rule and any required statements and analyses may be obtained from:** Heather MacMaster, Workers' Compensation Board, Office of General Counsel, 328 State Street, Schenectady, NY 12305, (518) 486-9564, email: regulations@wcb.ny.gov

#### **Regulatory Impact Statement**

1. **Statutory authority:** WCL § 117(1) authorizes the Chair of the Workers' Compensation Board (Board) to adopt reasonable rules consistent with, and supplemental to, the provisions of the WCL.

2. **Legislative objectives:** The emergency adoption allows telemedicine visits in some circumstances due to the outbreak of COVID-19.

3. **Needs and benefits:** For social distancing purposes to avoid furthering the outbreak of COVID-19, the emergency adoption allows telemedicine visits in some circumstances to avoid in person visits to authorized providers when medically appropriate.

4. **Costs:** The emergency adoption will have no impact on costs.

5. **Local government mandates:** The proposed amendments do not impose any program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or other special district.

6. **Paperwork:** The emergency adoption requires authorized providers to indicate in their report that the services rendered were through telemedicine due to the outbreak of COVID-19.

7. **Duplication:** The emergency adoption does not duplicate other regulatory initiatives.

8. **Alternatives:** An alternative would be to not file an emergency adoption addressing telemedicine. However, this poses a health risk to both the authorized providers and the claimants being treated, and social distancing, where medically appropriate, is a better alternative due to the outbreak of COVID-19.

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

10. **Compliance schedule:** The emergency adoption takes effect immediately upon filing but does not require telemedicine – it offers it as a tool to assist with social distancing in some circumstances. Any provider rendering services using telemedicine must comply with the emergency adoption, including the reporting requirements.

#### **Regulatory Flexibility Analysis**

A Regulatory Flexibility Analysis is not required because the emergency adoption will not have any adverse economic impact or impose any new reporting, recordkeeping or other compliance requirements on small businesses or local governments. The emergency adoption provides for telemedicine visits in some circumstances due to the outbreak of COVID-19.

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

A Rural Area Impact Statement is not required because the emergency adoption will not have any impact rural areas. The emergency adoption allows telemedicine visits in some circumstances due to the outbreak of COVID-19.

#### **Job Impact Statement**

A Job Impact Statement is not required because the emergency adoption will not have any impact on jobs or employment opportunities. The emergency adoption allows telemedicine visits in some circumstances due to the outbreak of COVID-19.

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Housing and Community Renewal, Division of</b>		
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.
<b>Lake George Park Commission</b>		
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.
<b>Long Island Power Authority</b>		
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.
<b>Public Service Commission</b>		
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
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>0001</b>	<b>P</b>

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
-----------------	---------	----------------	-------------------

**AGING, OFFICE FOR THE**

AGE-34-19-00014-P	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
<b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b>			
CFS-46-19-00002-P	11/12/20	Behavioral health services, elimination of room isolation and authority to operate de-escalation rooms	To implement standards for behavioral health services and the operation of de-escalation rooms and to eliminate room isolation
CFS-49-19-00001-P	12/03/20	Limits on executive compensation	To remove the soft cap limit on executive compensation
CFS-04-20-00009-P	01/28/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
CFS-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.
CFS-31-20-00001-EP	08/05/21	To require districts to authorize up to eight hours of child care assistance, as needed, to assist parents or caretakers	To require districts to authorize up to eight hours of child care assistance, as needed, to assist parents or caretakers

**CIVIL SERVICE, DEPARTMENT OF**

CVS-51-19-00002-P	12/17/20	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-51-19-00003-P	12/17/20	Jurisdictional Classification	To classify a position in the exempt class
CVS-51-19-00004-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00005-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00006-P	12/17/20	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00007-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00008-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00009-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00010-P	12/17/20	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-51-19-00011-P	12/17/20	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-51-19-00012-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00013-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00014-P	12/17/20	Jurisdictional Classification	To classify positions in the non-competitive class



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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.
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".

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			
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
<b>EDUCATION DEPARTMENT</b>			
*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-11-20-00013-RP	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-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
EDU-30-20-00002-P	07/29/21	Creating a transitional J Certificate for Military Spouses	To create a Transitional J certificate for spouses of individuals on full-time active duty with the Armed Forces
EDU-30-20-00003-P	07/29/21	Creating Safety Nets for the Arts Content Specialty Tests (CSTs)	To create a safety net for the Arts Content Specialty Tests (CSTs)
EDU-30-20-00004-EP	07/29/21	Addressing the COVID-19 crisis and planning for the reopening of schools	To provide regulatory flexibility due to the COVID-19 crisis and to plan for the reopening of schools
EDU-30-20-00005-P	07/29/21	Creating a Safety Net for the School Building Leader Assessment	To create a safety net for the School Building Leader Assessment

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE</b>			
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
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
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
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-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.

**Action Pending Index****NYS Register/August 5, 2020**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
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
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-33-19-00004-RP	01/03/21	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To set forth minimum standards for the content of health insurance identification cards.
DFS-43-19-00017-P	10/22/20	Independent Dispute Resolution for Emergency Services and Surprise Bills	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided
DFS-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-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
<b>GAMING COMMISSION, NEW YORK STATE</b>			
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
<b>GENERAL SERVICES, OFFICE OF</b>			
GNS-40-19-00005-P	10/01/20	Facility Use	To add "plastic knuckles" and remove "gravity knife" from the definition of "deadly weapon"

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	..... exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-30-19-00006-RP	..... 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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
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
HLT-31-20-00012-EP	exempt	Hospital Non-comparable Ambulance Acute Rate Add-on	Prevents duplicate claiming by Article 28 hospitals for the ambulance add-on regarding participation in the program
<b>HOUSING AND COMMUNITY RENEWAL, DIVISION OF</b>			
*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 low-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
<b>HOUSING FINANCE AGENCY</b>			
*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
<b>HUDSON RIVER PARK TRUST</b>			
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
<b>JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE</b>			
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
<b>LABOR, DEPARTMENT OF</b>			
LAB-46-19-00004-P	11/12/20	NY State Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards
<b>LAKE GEORGE PARK COMMISSION</b>			
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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LAW, DEPARTMENT OF</b>			
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
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
LPA-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
<b>LONG ISLAND RAILROAD COMPANY</b>			
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
<b>MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY</b>			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>MEDICAID INSPECTOR GENERAL, OFFICE OF</b>			
MED-28-20-00029-P	07/15/21	Monetary Penalties	To amend regulations governing the imposition of monetary penalties under the Medicaid program
<b>MENTAL HEALTH, OFFICE OF</b>			
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
<b>METRO-NORTH COMMUTER RAILROAD</b>			
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
<b>MOTOR VEHICLES, DEPARTMENT OF</b>			
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
<b>NEW YORK CITY TRANSIT AUTHORITY</b>			
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
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
<b>PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF</b>			
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
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
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
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
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gypsy Trail Club, Inc.'s long-term financing agreements	To exempt Gypsy 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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-36-14-00009-P	..... exempt	Modification to the Commission’s Electric Safety Standards.	To consider revisions to the Commission’s Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison’s low income program to include Medicaid recipients.	Whether to expand Con Edison’s low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*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)

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*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.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/ Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspiry for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-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-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
<b>PUBLIC SERVICE COMMISSION</b>			
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
<b>PUBLIC SERVICE COMMISSION</b>			
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-52-19-00006-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-05-20-00007-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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-11-20-00011-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-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-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.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-16-20-00011-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.
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-18-20-00012-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-19-20-00009-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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.
PSC-30-20-00006-P	..... exempt	Petition 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
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-30-20-00007-P	..... exempt	Tariff modifications to include provisions to enter into negotiated agreements for billing services.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-20-00003-P	..... exempt	Authority to issue and sell promissory notes.	To consider the petition of National Fuel Gas Distribution Corporation to issue up to \$300 million in promissory notes.
PSC-31-20-00004-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-31-20-00005-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-31-20-00006-P	..... exempt	Authority to issue and sell Long-Term Indebtedness, Preferred Stock, Hybrid Securities and to enter into derivative instruments.	To consider RG&E's request for authority to issue and sell Long-Term Indebtedness
PSC-31-20-00007-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-31-20-00008-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-31-20-00009-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 Kiwi Guard product to mass market customers in New York.
PSC-31-20-00010-P	..... exempt	Submetering of electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-31-20-00011-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.

**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
-------------------	----------------	---	--

**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
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>STATE UNIVERSITY OF NEW YORK</b>			
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
<b>STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY</b>			
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.
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
TAF-02-20-00001-EP	01/14/21	Property tax levy limits for school districts in relation to certain costs resulting from capital local expenditures	To implement Education Law 2023-a relating to certain costs resulting from capital local expenditures of school districts
TAF-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.
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
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
<b>THRUWAY AUTHORITY, NEW YORK STATE</b>			
THR-01-20-00003-P	01/07/21	Toll rate adjustments on the New York State Thruway system.	To provide for toll rate adjustments necessary to support the Authority's financial obligations.
<b>TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY</b>			
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
<b>WORKERS' COMPENSATION BOARD</b>			
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
<b>WORKERS' COMPENSATION BOARD</b>			
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

### REHABILITATE ROADWAY

Camp Smith Training Site  
Cortlandt Manor, Westchester County

Sealed bids for Project No. 47022-C, comprising a contract for Construction Work, Rehabilitate Roadway, McCoy Road, 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, August 5, 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 \$64,200 for C).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewykyj, 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 297 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.

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

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

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

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

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

# NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Environmental Facilities Corporation  
Division of Engineering & Program Management  
625 Broadway  
Albany, NY 12207-2997  
and  
Department of Health  
Bureau of Water Supply Protection  
Empire State Plaza  
Corning Tower Rm. 1135  
Albany, NY 12237

## MUNICIPALITIES OF NEW YORK STATE OWNERS/ OPERATORS OF PUBLIC DRINKING WATER SYSTEMS Clean Water State Revolving Fund (CWSRF) for Water Pollution Control and Drinking Water State Revolving Fund (DWSRF)

### Draft Intended Use Plans (IUPs) for Federal Fiscal Year 2021

The New York State Environmental Facilities Corporation (EFC), the Department of Environmental Conservation (DEC) and the Department of Health (DOH) are pleased to announce the availability of the Draft Federal Fiscal Year (FFY) 2021 Intended Use Plans (IUPs) for the CWSRF and the DWSRF. The CWSRF and DWSRF programs are available to municipalities and certain non-municipal entities in New York State to finance water quality and drinking water related projects.

The Draft IUPs include lists of projects that could receive financing between October 1, 2020 and September 30, 2021, the next IUP financing period.

EFC anticipates the CWSRF will be able to provide approximately \$918 million in interest-free or low-interest rate financing and grant for clean water project costs during FFY 2021. This includes an estimated federal capitalization grant amount of \$100 million.

DOH anticipates the DWSRF will be able to provide approximately \$344 million in interest-free or low-interest rate financing and grant for drinking water project costs during FFY 2021. This includes an estimated federal capitalization grant of \$45 million, of which a maximum of \$9 million may be made available as grants for certain eligible projects.

### ELIGIBLE PROJECTS:

CWSRF - Municipal water pollution control projects eligible for CWSRF interest-free or low-interest rate financing and grant under Section 212 of the Clean Water Act (CWA) include, but are not limited to: wastewater treatment facilities and conveyance systems; combined sewer overflow abatement facilities; stormwater pollution abatement; and other municipally-owned projects or portions of projects that maintain, protect or improve water quality.

Municipal and non-municipal entities are eligible for CWSRF interest-free or low-interest rate financing and grant for non-point source projects that protect water quality under CWA Section 319 or implement an approved National Estuary Plan under CWA Section 320. Projects include, but are not limited to: green infrastructure; landfill leachate collection, storage and treatment; stormwater management facilities and equipment; wetland and waterbody restoration; deficient or failing decentralized septic systems; or other non-point source projects to maintain, protect or improve water quality under Section 319.

DWSRF - Municipally-owned and privately-owned community wa-

ter systems and non-profit, non-community water systems may be eligible for DWSRF subsidized financing or grant. Municipally-owned water systems that are not eligible for subsidized financing are eligible for market-rate financing at preferred rates. Projects eligible for DWSRF financing include: construction, rehabilitation, and upgrading of water treatment plants; transmission and distribution mains; storage facilities; pump stations; rehabilitation or development of new drinking water sources; consolidation of water supply services; and capital investments to improve security of drinking water systems.

### INTENDED USE PLANS & PROJECT LISTING:

Eligible entities interested in financing one or more projects not listed in the Draft CWSRF IUP or Draft DWSRF IUP should submit the appropriate IUP project listing information as soon as possible but no later than Monday, September 21, 2020 as provided below. For assistance with the IUP listing process, please contact EFC.

For CWSRF projects, applicants must use the Project Listing and Update System (PLUS) available at <https://plus.efc.ny.gov/plus/>. An approvable engineering report, and a Smart Growth Assessment Form must be provided to EFC no later than Monday, September 21, 2020 for the project to appear on the Annual List of the Final CWSRF IUP.

For DWSRF projects, applicants must provide a DWSRF Listing Form, an approvable engineering report, and a Smart Growth Assessment Form to DOH by Monday, September 21, 2020, to be included on the Annual List in the Final DWSRF IUP.

The Draft CWSRF and DWSRF IUPs are available on EFC's website, [www.efc.ny.gov](http://www.efc.ny.gov).

### WEBINAR:

EFC and DOH will host a webinar to review the Draft 2021 CWSRF and DWSRF IUPs on Wednesday, August 19, 2020 at 10:00 AM. This event will present an overview of the 2021 CWSRF and DWSRF IUPs, as well as provide an opportunity to answer participant questions. A notice about the webinar will be emailed to interested parties. Registration information for this webinar will be posted on EFC's website at [www.efc.ny.gov](http://www.efc.ny.gov).

### PUBLIC MEETING & HEARING:

EFC and DOH will hold a virtual joint public hearing to accept public comments on the Draft 2021 CWSRF IUP and the Draft 2021 DWSRF IUP on Wednesday, September 2, 2020, starting at 2:00 p.m. Log-in instructions for the virtual public hearing will be posted on EFC's website at [www.efc.ny.gov](http://www.efc.ny.gov) at least 14 days prior to the public hearing.

### DUE DATE FOR COMMENTS:

Written comments on the Draft IUPs must be submitted by 5:00 p.m. Monday, September 21, 2020 to:

CWSRF IUP - Mr. Timothy P. Burns, P.E., Director, Division of Engineering & Program Management, Environmental Facilities Corporation, 625 Broadway, Albany, NY 12207-2997, fax: (518) 402-6954, e-mail: [iupcomments@efc.ny.gov](mailto:iupcomments@efc.ny.gov)

DWSRF IUP - Mr. David Phillips, P.E., Design Section Chief, Bureau of Water Supply Protection, Department of Health, Empire State Plaza, Corning Tower, Rm. 1135, Albany, NY 12237, fax: (518) 402-7659, e-mail: [bpwsp@health.ny.gov](mailto:bpwsp@health.ny.gov) (if sent by e-mail please put "Draft IUP comment" in the subject line)

### EFC & DOH CONTACTS:

For assistance with the IUP listing process, or for information on the SRF programs, please contact:

CWSRF: Mr. Dwight Brown, SRF Program Services Coordinator, Division of Engineering & Program Management, Environmental Facilities Corporation, 625 Broadway, Albany, NY 12207-2997, (518) 402-7396, fax: (518) 402-6954, e-mail: [dwight.brown@efc.ny.gov](mailto:dwight.brown@efc.ny.gov), EFC website: [www.efc.ny.gov](http://www.efc.ny.gov)

DWSRF: Mr. David Phillips, P.E., Chief of Design, Bureau of Water Supply Protection, Department of Health, Empire State Plaza, Corning Tower, Rm. 1135, Albany, NY 12237, (800) 458-1158 ext. 27650 or (518) 402-7650, fax: (518) 402-7599, e-mail: [bpwsp@health.ny.gov](mailto:bpwsp@health.ny.gov)

also expects to have approximately up to \$1 million available for SLIHC reservations.

**APPLICATION WEBINAR:**

HCR will hold an application webinar that will include a presentation of project application requirements and process. Details for the application webinar will be provided on the HCR website at <https://hcr.ny.gov/multifamily>.

---

## Division of Housing and Community Renewal

### Housing Trust Fund Corporation

Hampton Plaza  
38-40 State Street  
Albany, NY 12207

PERSONS/FIRMS SPONSORING THE CONSTRUCTION AND/OR REHABILITATION OF AFFORDABLE HOUSING FOR LOW, MODERATE AND MIDDLE-INCOME PERSONS/HOUSEHOLDS

**Low-Income Housing Trust Fund Program (HTF); Community Investment Fund Program (CIF); Supportive Housing Opportunity Program (SHOP); Public Housing Preservation Program (PHP); Middle Income Housing Program (MIHP); Housing Development Fund Program (HDF); Federal Housing Trust Fund (FHTF); Senior Housing Program (SENR); All Affordable New York City (ANYC); Low-Income Housing Credit Program (LIHTC); New York State Low-Income Housing Tax Credit Program (SLIHC)**

**DESCRIPTION:**

New York State Homes and Community Renewal (HCR) announces the availability of funding under the Low-Income Housing Trust Fund Program (HTF); Community Investment Fund Program (CIF); Supportive Housing Opportunity Program (SHOP); Public Housing Preservation Program (PHP); Middle Income Housing Program (MIHP); Housing Development Fund Program (HDF); federal Housing Trust Fund (FHTF); Senior Housing Program (SENR); and, All Affordable New York City (ANYC).

HCR also announces the availability of tax credits under the federal Low-Income Housing Credit Program (LIHTC) and New York State Low-Income Housing Tax Credit Program (SLIHC).

The Summer 2020 HCR Multifamily Finance 9% Request for Proposals (RFP) for site-specific multi-family project applications seeking funding under these programs was made available on July 17, 2020. The RFP and application materials, including application submission instructions, is available on the HCR website at <https://hcr.ny.gov/multifamily>.

**APPLICATION DEADLINES:**

There is one Summer 2020 application deadline. Applications for Summer 2020 projects must be completed and submitted by 11:59 PM on August 26, 2020.

A \$3,000 application fee is required for each LIHTC or SLIHC application with the following exception: not-for-profit applicants (or their wholly-owned subsidiaries) that will be sole general partner of the partnership/project owner or sole managing member of the limited liability company/project owner may request a deferral of payment until the time of credit allocation.

**SUMMER 2020 FUNDS AVAILABLE:**

Approximately up to \$15 million in HTF funds; \$3 million in CIF funds; \$10 million in SHOP funds; \$7 million in PHP funds; \$3 million in MIHP funds; \$5 million in HDF funds; \$5 million in FHTF funds; \$5 million in SENR funds; and, \$5 million in ANYC funds, subject to availability of appropriations. HCR expects to have approximately up to \$11 million available for LIHTC reservations. HCR

# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

## PUBLIC NOTICE

### Criminal Justice Services New York State DNA Subcommittee

Pursuant to Public Officers Law section 104, the Division of Criminal Justice Services gives notice of a meeting of the New York State DNA Subcommittee to be held on:

Date: August 14, 2020

Time: 10:00 a.m. - 12:00 p.m.

Video Conference Only: The webcast information for this meeting will be posted on the Division of Criminal Justice website under the Newsroom, Open Meeting/Webcasts.  
<https://www.criminaljustice.ny.gov/pio/openmeetings.htm>

Place: Division of Criminal Justice Service  
Alfred E. Smith Office Bldg.  
80 South Swan St.  
CrimeStat Rm. 118  
Albany, NY

## PUBLIC NOTICE

### Office of Parks, Recreation and Historic Preservation

Pursuant to section 14.07 of the Parks, Recreation and Historic Preservation Law, the Office of Parks, Recreation and Historic Preservation hereby gives notice of the following:

In accordance with subdivision (c) of section 427.4 of title 9 NYCRR notice is hereby given that the New York State Board for Historic Preservation will be considering nomination proposals for listing of properties in the State and National Register of Historic Places at a meeting to be held on Thursday, September 10th, 2020 at Peebles Island State Park, 1 Delaware Avenue, Cohoes, NY 12047.

The following properties will be considered:

1. Our Mother of Good Council Roman Catholic Church Complex, Blasdell, Erie County
2. Niagara Lithography Company, Buffalo, Erie County
3. Lafayette Flats, Buffalo, Erie County
4. Amboy District No. 2 Schoolhouse, Amboy, Oswego County
5. West Broadway Commercial Historic District, Fulton, Oswego County
6. Foster-Hubbard House, Syracuse, Onondaga County
7. Oneida Limited Administration Building, Oneida, Madison County
8. Hannah & George W. Jones House, Ovid, Seneca County
9. Frederick Law Olmsted Sr. Farmhouse, Staten Island, Richmond County
10. Rhinebeck Village Historic District Boundary Increase, Dutchess County
11. Yaphank Main Street Historic District, Suffolk County
12. Mary E. Bell House, Center Moriches, Suffolk County
13. George and Addison Wheeler House Additional Documentation, East Bloomfield, Ontario County
14. Chenango Canal Lock 106, Prism and Towpath, Fenton, Broome County
15. Nichols Park, Spencer, Tioga County
16. The Pink House, Wellsville, Allegany County
17. Hildreth Homestead, Herkimer, Herkimer County
18. Zion Episcopal Church, Dobbs Ferry, Westchester County
19. Stone Houses of Jefferson County Multiple Property Documentation Form (MPDF)
20. Ballard-Denny House, Talcott Corners, Jefferson County
21. Oval Wood Dish Factory Historic District, Tupper Lake, Franklin County
22. Greenwich District School No. 11, Greenwich, Washington County

To be considered by the board, comments may be submitted to Daniel Mackay, Deputy Commissioner for Historic Preservation and Deputy State Historic Preservation Officer, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, New York 12188-0189, no later than Wednesday, September 9th or may be submitted in person at the meeting by contacting Daniel Mackay at the same address no later than September 9th.

*For further information, contact:* Daniel Mackay, Deputy Commissioner for Historic Preservation and Deputy State Historic Preservation Officer, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, New York 12188-0189, (518) 268-2171

## PUBLIC NOTICE

Department of State  
F-2020-0551 (DA)

Date of Issuance – August 5, 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-2020-0551 (DA), The Department of Homeland Security is proposing the restoration of existing ferry facilities and the complete north section of the steel pile sheet bulkhead at both of the ramp landing facilities and the wood pile fenders and fixed wood pier repairs. The project plans to remove and replace 225 feet of steel sheet pile bulkhead landward of the existing bulkhead, replace ferry ramps, counterweight towers, utilities, repair a 100 LF pier and replace 16 wood fenders and dolphins. The project site is located at 40550 Route 5, Orient Point, NY 11957, Suffolk County on Peconic Bay.

The applicant's consistency certification and supporting information are available for review at: [http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0551\(DA\)departmentofhomelandsecurity.pdf](http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0551(DA)departmentofhomelandsecurity.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., 15 days from the date of publication of this notice or August 20, 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

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.

2020-0318 In the matter of Timothy Terpening, 404 North Wilber Avenue, Sayre, PA 18840, for a variance concerning safety requirements including a variance for reduction in required height of existing interior handrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, two stories in height, located at 116-118 Eddy Street, City of Ithaca, County of Tompkins, New York.

## PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2020-0320 Matter of Deret Associates LLC, Thomas Haupt, 2310

Hempstead Tpke. #2, East Meadow, NY 11554, for a variance concerning safety requirements, including the height under a girder, involved is an existing one family dwelling located at 184 Alabama Ave., Hempstead, Inc., Village Of Hempstead, NY 11550, County of Nassau, State of New York.

2020-0321 Matter of Brookhaven Expeditors, Nicholas Marks, 713 Main St., Port Jefferson, NY 11777, for a variance concerning safety requirements, including the height under a girder, involved is an existing one family dwelling located at 7 Maureen Lane, Stonybrook, Town of Brookhaven, NY 11790, County of Suffolk, State of New York.

2020-0322 Matter of Brookhaven Expeditors, Nicholas Marks, 713 Main Street, Port Jefferson, NY 11777, for a variance concerning safety requirements, including the height under a girder, involved is an existing one family dwelling located at 4 Lancelot Lane, East Setauket, Town of Brookhaven, NY 11733, 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 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.

2020-0323 In the matter of JJA Properties, LLC, Deborah Whitehead, 30 Becket Way, Ithaca, NY 14850, for a variance concerning safety requirements including a variance for reduction in required height of existing interior stair handrails and guardrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, two stories in height, located at 312 Elmwood Avenue, City of Ithaca, County of Tompkins, New York.

## PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2020-0324 Matter of Building Permits Plus, Jason Allen, 19 Stillwood Road, Brookhaven, NY 11719, for a variance concerning safety requirements, including the height under a girder, involved is an existing one family dwelling located at 20 Henry Street, Farmingville, Town of Brookhaven, NY 11738, County of Suffolk, State of New York.

2020-0325 Matter of Laura Schaefer, 70 Avenue A, Holbrook, NY 11741, 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 70 Avenue A, Holbrook, Town of Brookhaven, NY 11741, 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 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.

2020-0326 In the matter of In-Architects, PLLC, James Knittel, A.I.A., 239 East Water Street, Syracuse, NY 13202, for Michael Blowers for a variance concerning building code and fire safety requirements including to exceed allowable travel distance in a single exit building.

Involved are, the alterations and change of occupancy of an existing building to a mixed business and residential use, known as the "Gere Building", located at 119-121 East Water Street, City of Syracuse, County of Onondaga, New York.

## PUBLIC NOTICE

### Susquehanna River Basin Commission

#### Projects Approved for Consumptive Uses of Water

**SUMMARY:** This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

**DATES:** June 1-30, 2020.

**ADDRESSES:** Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

**FOR FURTHER INFORMATION CONTACT:** Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries May be sent to the above address.

**SUPPLEMENTARY INFORMATION:** This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22 (f)(13) and 18 CFR § 806.22 (f) for the time period specified above:

Water Source Approval – Issued Under 18 CFR 806.22(f):

1. Rockdale Marcellus, LLC; Pad ID: Red Run Mountain 736; ABR-20100502.R2; McIntyre Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 9, 2020.

2. Repsol Oil & Gas USA, LLC; Pad ID: Chicken Hawk; ABR-20100434.R2; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 9, 2020.

3. Repsol Oil & Gas USA, LLC; Pad ID: STORCH (03 035) D; ABR-20100445.R2; Wells Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 9, 2020.

4. EXCO Resources (PA), LLC.; Pad ID: Warner Drilling Pad #1; ABR-20100451; Franklin Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 9, 2020.

5. SWN Production Company, LLC; Pad ID: NR-25 NOWICKI; ABR-201504006.R1; Oakland Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: June 9, 2020.

6. SWN Production Company, LLC.; Pad ID: NR-05 BAC Realty; ABR-201504007.R2; New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: June 11, 2020.

7. SWEPI LP; Pad ID: Johnson 434; ABR-20100501.R2; Shippen Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 11, 2020.

8. SWN Production Company, LLC.; Pad ID: GU-Y Loomis Pad; ABR-20100504.R2; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 12, 2020.

9. Chesapeake Appalachia, L.L.C.; Pad ID: Coates; ABR-20100509.R2; Standing Stone Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 12, 2020.

10. Chief Oil & Gas, LLC; Pad ID: Kerr Drilling Pad #1; ABR-20100506.R2; Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 15, 2020.

11. Range Resources Appalachia, LLC; Pad ID: Dog Run Hunting

Club Unit; ABR-20100456.R2; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 15, 2020.

12. Chesapeake Appalachia, L.L.C.; Pad ID: Fred; ABR-201005241.R2; Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 24, 2020.

13. Chesapeake Appalachia, L.L.C.; Pad ID: McConnell; ABR-20100525.R2; Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 24, 2020.

14. Cabot Oil & Gas Corporation; Pad ID: HousenickJ P1; ABR-201505004.R1; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 24, 2020.

15. SWN Production Company, LLC; Pad ID: RU-42-KROPFF-PAD; ABR-201410002.R1; Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: June 29, 2020.

16. Seneca Resources Company, LLC; Pad ID: Gamble Pad P; ABR-201506005.R1; Hepburn Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 29, 2020.

17. Chesapeake Appalachia, L.L.C.; Pad ID: Brackman; ABR-20100420.R2; Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 29, 2020.

18. Chief Oil & Gas, LLC; Pad ID: Squier Drilling Pad #1; ABR-201007008.R2; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 29, 2020.

19. Cabot Oil & Gas Corporation; Pad ID: WarrinerR P2; ABR-20100518.R1; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 29, 2020.

20. Cabot Oil & Gas Corporation; Pad ID: CarsonJ P1; ABR-20100520.R1; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 29, 2020.

21. SWEPI LP; Pad ID: Walker 438; ABR-20100516.R2; Shippen Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 29, 2020.

22. XPR Resources, LLC; Pad ID: Alder Run Land LP #2H; ABR-20100454.R2; Cooper Township, Clearfield County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 29, 2020.

23. Chesapeake Appalachia, L.L.C.; Pad ID: Cerca; ABR-20100538.R2; Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

24. Chesapeake Appalachia, L.L.C.; Pad ID: Treat; ABR-20100527.R2; Rome Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

25. Chesapeake Appalachia, L.L.C.; Pad ID: Feusner New; ABR-20100558.R2; Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

26. Chesapeake Appalachia, L.L.C.; Pad ID: Madden; ABR-20100536.R2; Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

27. Chesapeake Appalachia, L.L.C.; Pad ID: Rich; ABR-20100539.R2; Troy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

28. Chesapeake Appalachia, L.L.C.; Pad ID: Allen; ABR-20100606.R2; Wysox Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

29. Chesapeake Appalachia, L.L.C.; Pad ID: Finnerty; ABR-20100602.R2; West Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

30. Chesapeake Appalachia, L.L.C.; Pad ID: Hilltop NEW; ABR-201006102.R2; Jessup Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

31. Chesapeake Appalachia, L.L.C.; Pad ID: Akita NEW; ABR-20100689.R2; Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

32. Chesapeake Appalachia, L.L.C.; Pad ID: Alderfer NEW; ABR-20100671.R2; Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

33. Chesapeake Appalachia, L.L.C.; Pad ID: Lillie NEW; ABR-201006104.R2; Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

34. Rockdale Marcellus, LLC; Pad ID: Greenwood Hunting Lodge 427; ABR-20100532.R2; McIntyre Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 30, 2020.

35. Seneca Resources Company, LLC; Pad ID: PHC Pad Q; ABR-20100551.R2; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 30, 2020.

36. Chief Oil & Gas, LLC; Pad ID: Severcool Drilling Pad #1; ABR-20100547.R2; Forkston Township, Wyoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 30, 2020.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: July 14, 2020.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

## PUBLIC NOTICE

### Susquehanna River Basin Commission

#### Projects Approved for Minor Modifications

**SUMMARY:** This notice lists the minor modifications approved for a previously approved project by the Susquehanna River Basin Commission during the period set forth in "DATES."

**DATES:** June 1-30, 2020.

**ADDRESSES:** Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

**FOR FURTHER INFORMATION CONTACT:** Jason E. Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

**SUPPLEMENTARY INFORMATION:** This notice lists previously approved projects, receiving approval of minor modifications, described below, pursuant to 18 CFR 806.18 or to Commission Resolution Nos. 2013-11 and 2015-06 for the time period specified above:

Minor Modifications Issued Under 18 CFR § 806.18

1. Silver Springs Ranch, LLC, Docket No. 20200313, Monroe Township, Wyoming County, Pa.; approval authorizing the additional water use purposes of bulk water supply for filling swimming pools and for other public water suppliers, as needed; Approval Date: June 12, 2020.

In addition, on March 13, 2020, the Susquehanna River Basin Commission adopted Resolution No. 2020-02 (Resolution) and companion Policy No. 2020-01 (Policy), which clarified the interpretation of consumptive use mitigation rules as applied to certain water impoundment evaporation (ponds, tanks, etc.).

Notice is hereby given that pursuant to, and consistent with, the Resolution and Policy, the Executive Director modified the following approvals to clarify that the evaporative losses from certain structures are not subject to consumptive use mitigation. A total of 111 dockets were modified pursuant to the Resolution. A list of those modifications can be found at <https://www.srbc.net/regulatory/policies-guidance/docs/20200313.pdf>.

**AUTHORITY:** Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: July 14, 2020.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

## PUBLIC NOTICE

### Susquehanna River Basin Commission

**SUMMARY:** The Susquehanna River Basin Commission will hold a public hearing on August 13, 2020. Due to the COVID-19 situation and the relevant orders in place in the Commission's member jurisdic-

tions, the Commission will hold this meeting telephonically. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. Such projects and proposals are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for September 18, 2020, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects and proposals. The deadline for the submission of written comments is August 24, 2020.

**DATES:** The public hearing will convene on August 13, 2020, at 2:30 p.m. The public hearing will end at 5:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is August 24, 2020.

**ADDRESSES:** This hearing will be held by telephone rather than at a physical location. Conference Call # 1-888-387-8686, the Conference Room Code # 9179686050.

**FOR FURTHER INFORMATION CONTACT:** Jason Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423; fax: (717) 238-2436.

Information concerning the applications for these projects is available at the Commission's Water Application and Approval Viewer at <https://www.srbc.net/waav>. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at [www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf](http://www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf).

**SUPPLEMENTARY INFORMATION:** The public hearing will cover the following projects.

Projects Scheduled for Action:

1. Project Sponsor and Facility: Bloomfield Borough Water Authority, Centre Township, Perry County, Pa. Application for renewal of groundwater withdrawal of up to 0.056 mgd (30-day average) from Well 1 (Docket No. 19901103).

2. Project Sponsor: Byler Golf Management, Inc. Project Facility: Iron Valley Golf Club, Cornwall Borough, Lebanon County, Pa. Modification to change consumptive use mitigation method (Docket No. 19981206).

3. Project Sponsor and Facility: Cabot Oil & Gas Corporation, Eaton Township, Wyoming County, Pa. Application for renewal of groundwater withdrawal of up to 0.864 mgd (30-day average) from the Hatchery Wellfield (Wells 1, 2, and 3) (Docket No. 20160610).

4. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20160902).

5. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Susquehanna River), Wilmot Township, Bradford County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

6. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Susquehanna River), Windham Township, Wyoming County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

7. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Wyalusing Creek), Wyalusing Township, Bradford County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

8. Project Sponsor and Facility: Green Leaf Water LLC (Lycoming Creek), Lewis Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 0.900 mgd (peak day) (Docket No. 20160601).

9. Project Sponsor and Facility: Lake Meade Municipal Authority, Reading Township, Adams County, Pa. Application for groundwater withdrawal of up to 0.252 mgd (30-day average) from Well 3.

10. Project Sponsor and Facility: Meadia Heights Golf Club LLC, West Lampeter Township, Lancaster County, Pa. Modification to change consumptive use mitigation method (Docket No. 20000204).

11. Project Sponsor and Facility: Montgomery Water Authority, Clinton Township, Lycoming County, Pa. Application for renewal of groundwater withdrawal of up to 0.267 mgd (30-day average) from Well 1 (Docket No. 19881102).

12. Project Sponsor: Pixelle Specialty Solutions LLC. Project



Facility: Spring Grove Mill (Codorus Creek and Unnamed Tributary to Codorus Creek), Spring Grove Borough, Jackson Township, and North Codorus Township, York County, Pa. Applications for existing surface water withdrawals (peak day) of up to 19.800 mgd (New Filter Plant Intake), 6.000 mgd (Old Filter Plant Intake), and 0.750 mgd (Kessler Pond Intake); consumptive use of up to 3.650 mgd (peak day); and existing groundwater withdrawals (30-day average) of up to 0.039 mgd (Well 1) and 0.021 mgd (Well 2). Proposed action to include combining all existing and new approvals into a single approval document with a single approval term.

13. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Susquehanna River), Sheshequin Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20160908).

14. Project Sponsor and Facility: S.T.L. Resources, LLC (West Branch Susquehanna River), Grugan Township, Clinton County, Pa. Application for surface water withdrawal of up to 3.450 mgd (peak day).

15. Shippensburg Borough Authority, Southampton Township, Cumberland County, Pa. Application for renewal of groundwater withdrawal of up to 1.280 mgd (30-day average) from Well 1 (Docket No. 19900713).

16. Project Sponsor: Togg Mountain, LLC. Project Facility: Togg Mountain Winter Sports Center (West Branch Tioughnioga Creek), Town of Fabius, Onondaga County, N.Y. Modification to increase consumptive use (peak day) by an additional 0.505 mgd, for a total consumptive use of up to 0.990 mgd, and increase surface water withdrawal (peak day) by an additional 2.300 mgd, for a total surface water withdrawal of up to 4.500 mgd (Docket No. 20180911).

Commission-Initiated Project Approval Modifications:

1. Project Sponsor and Facility: The Municipal Authority of the Borough of Berlin, Allegheny Township, Somerset County, Pa. Conforming the grandfathering amount with the forthcoming determination for a groundwater withdrawal up to 0.030 mgd (30-day average) from Well 6 (Docket No. 19980702).

2. Project Sponsor and Facility: Iron Masters Country Club, Bloomfield Township, Bedford County, Pa. Conforming the grandfathering amount with the forthcoming determination for groundwater withdrawals up to 0.051 mgd (30-day average) from Well 10 and up to 0.061 mgd (30-day average) from Well 14 (Docket No. 20020813).

3. Project Sponsor and Facility: Sinking Valley Country Club, Tyrone Township, Blair County, Pa. Conforming the grandfathering amount with the forthcoming determination for groundwater withdrawals up to 0.081 mgd (30-day average) from the 14th Fairway Well and up to 0.099 mgd (30-day average) from the 8th Tee Well (Docket No. 20020811).

Opportunity to Appear and Comment:

Interested parties may call into the hearing to offer comments to the Commission on any business listed above required to be subject of a public hearing. Given the telephonic nature of the meeting, the Commission strongly encourages those members of the public wishing to provide oral comments to pre-register with the Commission by e-mailing Jason Oyler at joyler@srbc.net prior to the hearing date. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Access to the hearing via telephone will begin at 2:15 p.m. Guidelines for the public hearing are posted on the Commission's website, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such guidelines at the hearing. Written comments on any business listed above required to be subject of a public hearing may also be mailed to Mr. Jason Oyler, Secretary to the Commission, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through <https://www.srbc.net/regulatory/public-comment/>. Comments mailed or electronically submitted must be received by the Commission on or before August 24, 2020, to be considered.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: July 14, 2020.

Jason E. Oyler,  
General Counsel and Secretary to the Commission.

**PUBLIC NOTICE**

Susquehanna River Basin Commission

Revocation of ABR Approvals

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: June 1-30, 2020.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, that have been revoked for the time period specified above:

Revocation of Approvals by Rule – Issued Under 18 CFR 806.22(f):

1. Chesapeake Appalachia, L.L.C.; Pad ID: Sophia; ABR-201106005.R1; Smithfield and Springville Townships, Bradford County, Pa.; Revocation Date: June 25, 2020.

2. Chesapeake Appalachia, L.L.C.; Pad ID: Sharidan; ABR-201112027.R1; Litchfield Township, Bradford County, Pa.; Revocation Date: June 25, 2020.

3. Repsol Oil & Gas USA, LLC.; Pad ID: COLE (03 016) T; ABR-20100549.R1; Columbia Township, Bradford County, Pa.; Revocation Date: June 26, 2020.

4. SWN Production Company, LLC.; Pad ID: TI-Kohler Pad; ABR-201601006; Liberty Township, Tioga County, Pa.; Revocation Date: June 26, 2020.

5. SWEPI LP.; Pad ID: State 822; ABR-201007040.R1; Gaines Township, Tioga County, Pa.; Revocation Date: June 26, 2020.

6. SWEPI LP.; Pad ID: Youst 405; ABR-201106026.R1; Jackson Township, Tioga County, Pa.; Revocation Date: June 26, 2020.

7. SWEPI LP.; Pad ID: Wilson 286; ABR-201203027.R1; Charleston Township, Tioga County, Pa.; Revocation Date: June 29, 2020.

8. SWEPI LP.; Pad ID: Jones 276; ABR-201201021.R1; Jackson Township, Tioga County, Pa.; Revocation Date: June 29, 2020.

9. SWEPI LP.; Pad ID: State 6721; ABR-20100440.R1; Elk Township, Tioga County, Pa.; Revocation Date: June 29, 2020.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: July 14, 2020.

Jason E. Oyler,  
General Counsel and Secretary to the Commission.



# EXECUTIVE ORDERS

---

**Executive Order No. 147.34: Amendment to Executive Order 147 - A Special Prosecutor to Investigate and Prosecute Matters Relating to the Deaths of Civilians Caused by Law Enforcement Officers.**

In view of the request of Attorney General Letitia James, my order and requirement, embodied in Executive Order Number one hundred and forty-seven, dated July 8, 2015, is hereby amended to include an additional paragraph to the penultimate paragraph as amended by Executive Order Numbers 147.1 - 147.33 to read as follows:

FURTHER, the requirement imposed on the Special Prosecutor by this Executive Order shall include the investigation, and if warranted, prosecution:

(hh) of any and all unlawful acts or omissions or alleged unlawful acts or omissions by any law enforcement officer, as listed in subdivision 34 of section 1.20 of the Criminal Procedure Law, arising out of, relating to, or in any other way connected with the death of Michael Wallace on March 24, 2020, in Schenectady County.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this fifteenth day of July in the year two thousand twenty.

*BY THE GOVERNOR*  
/S/ Andrew M. Cuomo  
/s/ Melissa DeRosa  
*Secretary to the Governor*

**Executive Order No. 147.35: Amendment to Executive Order 147 - A Special Prosecutor to Investigate and Prosecute Matters Relating to the Deaths of Civilians Caused by Law Enforcement Officers.**

In view of the request of Attorney General Letitia James, my order and requirement, embodied in Executive Order Number one hundred and forty-seven, dated July 8, 2015, is hereby amended to include an additional paragraph to the penultimate paragraph as amended by Executive Order Numbers 147.1 - 147.34 to read as follows:

FURTHER, the requirement imposed on the Special Prosecutor by this Executive Order shall include the investigation, and if warranted, prosecution:

(ii) of any and all unlawful acts or omissions or alleged unlawful acts or omissions by any law enforcement officer, as listed in subdivision 34 of section 1.20 of the Criminal Procedure Law, arising out of, relating to, or in any other way connected with the death of Daniel Prude on March 30, 2020, in Monroe County.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this fifteenth day of July in the year two thousand twenty.

*BY THE GOVERNOR*  
/S/ Andrew M. Cuomo  
/s/ Melissa DeRosa  
*Secretary to the Governor*

**Executive Order No. 147.36: Amendment to Executive Order 147**

**- A Special Prosecutor to Investigate and Prosecute Matters Relating to the Deaths of Civilians Caused by Law Enforcement Officers.**

In view of the request of Attorney General Letitia James, my order and requirement, embodied in Executive Order Number one hundred and forty-seven, dated July 8, 2015, is hereby amended to include an additional paragraph to the penultimate paragraph as amended by Executive Order Numbers 147.1 - 147.35 to read as follows:

FURTHER, the requirement imposed on the Special Prosecutor by this Executive Order shall include the investigation, and if warranted, prosecution:

(jj) of any and all unlawful acts or omissions or alleged unlawful acts or omissions by any law enforcement officer, as listed in subdivision 34 of section 1.20 of the Criminal Procedure Law, arising out of, relating to, or in any other way connected with the death of Christopher Curro on May 12, 2020, in Nassau County.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this fifteenth day of July in the year two thousand twenty.

*BY THE GOVERNOR*  
/S/ Andrew M. Cuomo  
/s/ Melissa DeRosa  
*Secretary to the Governor*

**Executive Order No. 147.37: Amendment to Executive Order 147 - A Special Prosecutor to Investigate and Prosecute Matters Relating to the Deaths of Civilians Caused by Law Enforcement Officers.**

In view of the request of Attorney General Letitia James, my order and requirement, embodied in Executive Order Number one hundred and forty-seven, dated July 8, 2015, is hereby amended to include an additional paragraph to the penultimate paragraph as amended by Executive Order Numbers 147.1 - 147.36 to read as follows:

FURTHER, the requirement imposed on the Special Prosecutor by this Executive Order shall include the investigation, and if warranted, prosecution:

(kk) of any and all unlawful acts or omissions or alleged unlawful acts or omissions by any law enforcement officer, as listed in subdivision 34 of section 1.20 of the Criminal Procedure Law, arising out of, relating to, or in any other way connected with the death of Jeffrey McClure on June 7, 2020, in Suffolk County.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this fifteenth day of July in the year two thousand twenty.

*BY THE GOVERNOR*  
/S/ Andrew M. Cuomo  
/s/ Melissa DeRosa  
*Secretary to the Governor*

**Executive Order No. 147.38: Amendment to Executive Order 147 - A Special Prosecutor to Investigate and Prosecute Matters Relat-**

**ing to the Deaths of Civilians Caused by Law Enforcement Officers.**

In view of the request of Attorney General Letitia James, my order and requirement, embodied in Executive Order Number one hundred and forty-seven, dated July 8, 2015, is hereby amended to include an additional paragraph to the penultimate paragraph as amended by Executive Order Numbers 147.1 - 147.37 to read as follows:

FURTHER, the requirement imposed on the Special Prosecutor by this Executive Order shall include the investigation, and if warranted, prosecution:

(ll) of any and all unlawful acts or omissions or alleged unlawful acts or omissions by any law enforcement officer, as listed in subdivision 34 of section 1.20 of the Criminal Procedure Law, arising out of, relating to, or in any other way connected with the death of George Zapantis on June 21, 2020, in Queens County.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this fifteenth day of July in the year two thousand twenty.

*BY THE GOVERNOR*  
/S/ Andrew M. Cuomo  
/s/ Melissa DeRosa  
*Secretary to the Governor*

**Executive Order No. 168.38: Continuing the Declaration of a Disaster Emergency in the Five Boroughs of New York City and the Counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester that Incorporate the MTA Region in the State of New York.**

WHEREAS, pursuant to Executive Order No. 168, a disaster has heretofore been declared in the five boroughs of New York City and the Counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester that incorporate the Metropolitan Transportation Authority (MTA) Region in the State of New York due to increasingly constant and continuing failures of the tracks, signals, switches and other transportation infrastructure throughout the system including at Pennsylvania Station located in the County of New York (Penn Station), that have resulted in various subway derailments, extensive track outages, and substantial service disruptions impacting the health and safety of hundreds of thousands of riders;

WHEREAS, the ongoing failures of the tracks, signals, switches and other transportation infrastructure throughout the MTA's rail and subway system continue to pose an imminent threat and have a vast and deleterious impact on the health, safety, and livelihood of commuters, tourists, resident New Yorkers, as well as business and commerce in the Metropolitan Commuter Transportation District (MCTD), which is the recognized economic engine of the State of New York, and thereby have adversely affected the New York State economy;

WHEREAS, the track outages and service disruption necessary to implement the Amtrak Repair Program, and other repairs necessary to fix tracks, signals, switches and other transportation infrastructure throughout the MTA's rail and subway system continue to be necessary to protect the public, health and safety of commuters, tourists, resident New Yorkers, and will continue to worsen the transportation disaster emergency that currently exists due to the condition of Penn Station and the MTA's rail and subway system as a whole; and,

WHEREAS, it continues to be necessary for the MTA and its subsidiaries and affiliates to take significant and immediate action to assist in the repair of the tracks, signals, switches and other transportation infrastructure and in the mediation of such track outages and service disruptions due to this disaster emergency;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby extend the state disaster emergency declared pursuant to Executive Order No. 168 and extend all of the terms, conditions, and directives of Executive Order No. 168 and the terms, conditions, and directives for any extensions of the same for the period from the date that the disaster

emergency was declared pursuant to Executive Order No. 168 until August 2, 2020; provided that the temporary suspension of any laws, rules, regulations or guidelines pursuant to this and any future extensions of Executive Order 168 shall apply to the extent the Chairman of the MTA, or his designee, which shall only include the MTA's President or Managing Director, determines it necessary for the purposes of awarding any contracts, leases, licenses, permits or any other written agreement that may be entered into to mitigate such disaster emergency.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany the third day of July in the year two thousand twenty.

*BY THE GOVERNOR*  
/S/ Andrew M. Cuomo  
/s/ Melissa DeRosa  
*Secretary to the Governor*

**Executive Order No. 198.8: Continuing the Declaration of Disaster Emergency in the Counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne.**

WHEREAS, pursuant to Executive Order 198, a disaster has heretofore been declared within the counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne due to extensive flooding, widespread erosion, and water damage that caused significant damage to homes and other residential structures, businesses, and public infrastructure;

WHEREAS, historic high water levels in Lake Ontario and the St. Lawrence River continue to be of concern as a cause of flooding, widespread erosion, and water damage, which continues to jeopardize infrastructure, coastline structures, natural barriers, and navigation; and

WHEREAS, the Resiliency and Economic Development Initiative Commission has identified high-priority projects that are urgently needed to protect homes, businesses, and critical infrastructure; to sustainably maintain safe navigation channels; and to address the immediate and long-term resiliency of communities along Lake Ontario and the St. Lawrence River.

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby extend the state disaster emergency declared pursuant to Executive Order No. 198 and all of its terms, conditions, directives, and temporary suspension of identified provisions from the date that such disaster emergency was declared pursuant to Executive Order No. 198, until August 14, 2020.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this fifteenth day of July in the year two thousand twenty.

*BY THE GOVERNOR*  
/S/ Andrew M. Cuomo  
/s/ Melissa DeRosa  
*Secretary to the Governor*

**Executive Order No. 202.47: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.**

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York;

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

WHEREAS, despite community transmission, 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, it is incumbent upon individuals and localities to respect and enforce the health protocols that have allowed New York to move Forward in a phased reopening;

WHEREAS, local governments need additional tools at their disposal to ensure they can deter damaging and detrimental behavior, such as not wearing a face covering, not maintaining social distance, or gathering in large groups, all behaviors that increase transmission of the deadly COVID-19 virus;

WHEREAS, in the preceding weeks, investigators from various agencies have been observing and reporting to the State Liquor Authority on violations of the Executive Orders, relevant guidance, and the Alcoholic Beverage Control Law at State Liquor Authority licensed establishments;

WHEREAS, such investigators should have at their disposal all available tools for investigation and enforcement at such licensed establishments;

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 do hereby continue the suspensions and modifications of law, and any directives, not superseded by a subsequent directive, made by Executive Order 202.37; and I hereby temporarily suspend or modify the following from the date of this Executive Order through August 2, 2020:

- Section 2.20 of the Criminal Procedure Law, to the extent that it restricts, limits, or otherwise impedes the ability of a peace officer, as defined in Section 2.10 of the Criminal Procedure Law, to enforce provisions of the Alcoholic Beverage Control Law and the Public Health Law, or judgments or orders obtained for violation thereof, or to enforce the provisions of Executive Order 202 and any amendment or addition to such order.
- Sections 105 and 106 of the Alcoholic Beverage Control law to the extent they restrict, limit or otherwise impede the ability of a peace officer, as defined in Section 2.10 of the Criminal Procedure Law, to enforce provisions of the Alcoholic Beverage Control Law, or judgments or orders obtained for violation thereof, or to enforce the provisions of Executive Order 202 and any amendment or addition to such order;
- Subdivision 4 of section 2022 of the education law and subdivision 3 of section 2007 of the education law to the extent necessary to provide that, in the event that the original budget proposed by a school district was not approved by the voters at an election held on June 9, 2020, pursuant to Executive Order 202.26, any revote on resubmission to the voters of the original or revised budget shall occur on July 28, 2020 and shall be conducted in accordance with guidelines issued by the Department of Health pursuant to the authority granted by this executive order, and provided further that a school district proposing such revote shall operate upon a contingency budget pursuant to subdivision 5 of section 2022 of the education law section from July 1 to July 28;
- Paragraph a of subdivision 3 of section 2007 of the education law to the extent necessary to provide that, in lieu of the requirement that a school district publish two notices of a budget revote, each district shall send postcard notice to all residents of the district which details the date and location of the budget revote, date of the budget hearing, the definition of qualified voter, and instructions for applying for an absentee ballot. Such postcard notice shall be mailed no later than 21 days preceding such vote. If a school district possesses a resident's valid email address, the postcard notice may be sent via email to that resident instead of by mail;
- Subdivision 2-a of section 2022 of the education law to the extent necessary to authorize a school district possessing a qualified

voter's valid email address to send a school budget notice via email to that voter instead of by mail;

- Sections 1608 and 1716 of the Education Law to the extent necessary to allow property tax report cards to be submitted to the State Education Department no later than 14 days prior to the date of the school budget revote, and the department shall make its compilation available electronically at the latest on July 21, 2020, seven days prior to the revote date;
- Sections 2018-a and 2018-b of the Education Law to the extent necessary to provide that, due to the prevalence and community spread of COVID-19, the potential for contraction of the COVID-19 virus shall be deemed a temporary illness for the purpose of eligibility to vote as an absentee voter in a school budget revote held July 28, 2020;

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of Executive Order through August 2, 2020:

- The use of fireworks or dangerous fireworks, during the state disaster emergency declared by Executive Order 202, shall also be punishable as a violation of section 12(b) 2 of the public health law, and the Commissioner of Health is directed and authorized to issue emergency regulations, if such use meets the facts and circumstances established in subdivision 2 of section 270 of the penal law. In addition, use of fireworks by a licensee of any state entity inconsistent with any applicable guidance issued by the Department of Health shall be a basis for suspension or revocation of such license.
- Notwithstanding any provision of law or a party's rules to the contrary, any party caucus, party meeting or party convention held pursuant to the Election Law in the year two thousand twenty may be held by telephonic or video conferencing means in whole or in part at the discretion of the chairperson calling such meeting; provided, however, that any required notice shall include instructions to participants as to how to access such video teleconference.
- Notwithstanding any provisions of law or a party's rules to the contrary, proxy voting at any party caucus, party meeting or party convention held pursuant to the Election Law held in the year two thousand twenty shall be permitted. Any person eligible to attend and vote at such a meeting may hold up to ten proxies. A proxy statement may be in the form prescribed by the party's rule or as accepted in the past by the party entity or may be substantially as follows: "I, a member or eligible voter of [state party caucus, party meeting or party convention, do hereby give my proxy authorization to [state name of proxy holder] who shall be authorized to vote in my stead at the meeting to be held on [date] and any adjourned date thereof." Any proxy granted hereunder shall be revocable in a writing provided to the secretary or chair of the party entity or by the attendance of the proxy grantor at the meeting stated.

IN ADDITION, I hereby extend the following suspensions and directives contained in Executive Order 202.36 through August 2, 2020:

- Section 6530 of the Education Law, or any section of the Public Health Law, to the extent necessary to allow a questionnaire administered through an asynchronous electronic interface or electronic mail that is approved by a physician licensed in the State of New York to be sufficient to establish a practitioner-patient relationship for purposes of ordering a clinical laboratory test.
- The directive contained in Executive Order 202.44 which authorized any party caucus to be held remotely for an office to be filled at a town or village election to be held on September 15, 2020 is modified insofar as to authorize a remote caucus or convention for a town or village office, which is required by law to be filled at the general election in November, and is not to be filled at the September 15, 2020 town or village election.
- The directive contained in Executive Order 202.7, as extended,

requiring all barbershops, hair salons, tattoo or piercing parlors and related personal care services to be closed to members of the public is hereby modified to allow for the opening of barbershops and hair salons, and to require opening or operations in compliance Department of Health guidance, and is only permitted in such regions authorized for Phase Two industries reopening.

- The directive contained in Executive Order 202.32 allowing any licensee or franchisee of a racetrack to operate such racetrack is hereby modified and extended until August 2, 2020, to allow any operator of an auto racetrack to operate beginning June 3, 2020, and to require opening or operations in compliance Department of Health guidance, and provided further such auto racetrack allows only essential personnel or participants to be on site, and does not permit any visitor or spectator into the facility or on premise.
- Executive Order 202.35, which amended prior Executive Orders with respect to New York on Pause, is here by modified as follows:
  - Any region authorized for Phase One reopening may allow outdoor, low-risk recreational activities and businesses providing such activities as determined by the Empire State Development Corporation, are permitted to operate if operated in accordance with Department of Health guidance.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this third day of July in the year two thousand twenty.

BY THE GOVERNOR  
/S/ Andrew M. Cuomo  
/s/ Melissa DeRosa  
Secretary to the Governor

**Executive Order No. 202.48: 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, do hereby continue the suspensions and modifications of law, and any directives, not superseded by a subsequent directive, made by Executive Order 202 and each successor Executive Order up to and including Executive Order 202.14, as continued and contained in Executive Order 202.27, 202.28, , and 202.38, for another thirty days through August 5, 2020, except the following:

- The suspension or modification of the following statutes and regulations, and the following directives, are not continued, and such statutes, codes, and regulations are in full force and effect as of July 7, 2020:
  - o The suspension of Education law section 3604(7), and any associated directives, which allowed for the Commissioner of Education to reduce instructional days, as such suspensions and directives have been superseded by statute, contained in Chapter 107 of the Laws of 2020;
  - o The suspension of Section 33.17 of the Mental Hygiene Law and associated regulations to the extent necessary to permit providers to utilize staff members transport individuals receiving services from the Office of Mental Health or a program or provider under the jurisdiction of the Office of Mental Health during the emergency;

- o The suspensions of sections 2800(1)(a) and (2)(a); 2801(1) and (2); 2802(1) and (2); and 2824(2) of the Public Authorities Law, to the extent consistent and necessary to allow the director of the Authorities Budget Office to disregard such deadlines due to a failure by a state or local authority to meet the requirements proscribed within these sections during the period when a properly executed declaration of a state of emergency has been issued, are continued only insofar as they allow a state or local authority a sixty day extension from the original statutory due date for such reports;
- o Section 390-b of the Social Services Law and regulations at sections 413.4 and 415.15 of Title 18 of the NYCRR;
- o Subdivision 8 of section 8-407 of the Election Law;
- o The suspension of Criminal Procedure Law to the extent it requires a personal appearance of the defendant, and there is consent, in any jurisdiction where the Court has been authorized to commence in-person appearances by the Chief Administrative Judge; provided further that the suspension or modification of the following provisions of law are continued:
  - Section 150.40 of the Criminal Procedure Law, is hereby modified to provide that the 20-day timeframe for the return date for a desk appearance ticket is extended to 90 days from receiving the appearance ticket;
  - Section 190.80 of the Criminal Procedure Law, is hereby modified to provide that the 45-day time limit to present a matter to the grand jury following a preliminary hearing or waiver continues to be suspended and is tolled for an additional 30 days;
  - Section 30.30 of the Criminal Procedure Law, is hereby modified to require that speedy trial time limitations remain suspended until such time as petit criminal juries are reconvened or thirty days, whichever is later;
  - Article 195 of the Criminal Procedure Law, is hereby suspended to the extent that it would prohibit the use of electronic appearances for certain pleas, provided that the court make a full and explicit inquiry into the waiver and voluntariness thereof;
  - Sections 190.45 and 190.50 of the Criminal Procedure Law, are hereby modified to the extent necessary to allow an incarcerated defendant to appear virtually with his or her counsel before the grand jury to waive immunity and testify in his or her own defense, provided the defendant elects to do so;
  - The suspension of Section 180.80 and 190.80 of the Criminal Procedure Law, as modified by Executive Order 202.28, is hereby continued for a period not to exceed thirty days in any jurisdiction where there is not a grand jury empaneled; and when a new grand jury is empaneled to hear criminal cases, then 180.80 and 190.80 of the criminal procedure law shall no longer be suspended beginning one week after such grand jury is empaneled;
  - The suspension of Sections 180.60 and 245.70 of the Criminal Procedure Law, as modified by Executive Order 202.28, which allowed protective orders to be utilized at preliminary hearings, is hereby continued for a period of thirty days; and
  - The suspension of Sections 182.20, in addition to the modification contained in Executive Order 202.28 of section 182.30 of the Criminal Procedure Law is hereby extended for a period of thirty days, to the extent that it would prohibit the use of electronic appearances for felony pleas, or electronic appearances for preliminary hearings or sentencing;
- o Business Corporation law sections 602, 605, and 708, as such suspensions have been superseded by statute, as contained in Chapter 122 of the Laws of 2020;
- o Banking Law Section 39 (2), as such suspension has been superseded by statute, as contained in Chapters 112 and 126 of the Laws of 2020, as well as the directives contained in Executive Order 202.9;

- o Insurance Law and Banking Law provisions suspended by virtue of Executive Order 202.13, which coincide with the expiration of the Superintendent’s emergency regulations;
- o Subdivision (28) of Section 171 of the Tax Law, to the extent that the Commissioner has extended any filing deadline;
- o Sections 3216(d)(1)(c) and 4306 (g) of the Insurance Law, and any associated regulatory authority provided by directive in Executive Order 202.14, as the associated emergency regulations are no longer in effect;
- o The directive contained in Executive Order 202.28, as extended, that prohibited initiation of a proceeding or enforcement of either an eviction of any residential or commercial tenant, for nonpayment of rent or a foreclosure of any residential or commercial mortgage, for nonpayment of such mortgage, is continued only insofar as it applies to a commercial tenant or commercial mortgagor, as it has been superseded by legislation for a residential tenant, and residential mortgagor, in Chapters 112, 126, and 127 of the Laws of 2020; and
- o The directive contained in Executive Order 202.10 related to restrictions, as amended by Executive Order 202.11, related dispensing hydroxychloroquine or chloroquine, as recent findings and the U.S. Food & Drug Administration’s revocation of the emergency use authorization has alleviated supply shortages for permitted FDA uses of these medications.
- The directives contained in Executive Order 202.3, that closed video lottery gaming or casino gaming, gym, fitness center or classes, and movie theaters, and the directives contained in Executive Order 202.5 that closed the indoor common portions of retail shopping malls, and all places of public amusement, whether indoors or outdoors, as amended, are hereby modified to provide that such directives remain in effect only until such time as a future Executive Order opening them is issued.

IN ADDITION, I hereby suspend or modify for thirty days through August 5, 2020:

- the provisions of Articles 11-A and 11-B of the State Finance Law, and any regulations authorized thereunder, to the extent necessary to respond to the direct and indirect economic, financial, and social effects of the COVID-19 pandemic.

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 August 5, 2020:

- The directive contained in Executive Order 202.41, that discontinued the reductions and restrictions on in-person workforce at non-essential businesses or other entities in Phase Three industries or entities, as determined by the Department of Health, in eligible regions, is hereby modified only to the extent that indoor food services and dining continue to be prohibited in New York City.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this sixth day of July in the year two thousand twenty.

*BY THE GOVERNOR*  
/S/ Andrew M. Cuomo  
/s/ Melissa DeRosa  
*Secretary to the Governor*

**Executive Order No. 202.49: 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, do hereby continue the suspensions and modifications of law, and any directives, not superseded by a subsequent directive, made by Executive Order 202.15 and each successor Executive Order up to and including Executive Order 202.21, and Executive Order 202.29, as continued and contained in Executive Order 202.39, for another thirty days through August 6, 2020, except the following:

- The suspension or modification of the following statutes and regulations are not continued, and such statutes, codes, and regulations are in full force and effect as of July 8, 2020:
  - o 10 NYCRR 5-6.12(a)(4);
  - o Religious Corporations Law §§ 43, 45, as such suspensions have been superseded by Chapter 122 of the Laws of 2020;
  - o Environmental Conservation Law Articles 3, 8, 9, 13, 15, 17, 19, 23, 24, 25, 27, 33, 34, 35, 37, and 75, and 6, and NYCRR Parts 552, 550, 601, and 609 to the extent they were suspended to allow the Department of Environmental Conservation to suspend hearings if public comments were accepted electronically or by mail;
  - o Real Property and Proceedings Law § 711, Real Property Law § 232-a, and Multiple Dwelling Law § 4(8) and (9);
  - o Not for Profit Corporation Law § 1517; 19 NYCRR 203.3, 203.6, 203.13; 10 NYCRR 77.7(a)(1);
  - o Not for Profit Corporation Law § 1517; 19 NYCRR 203.3, 203.6, 203.13; 10 NYCRR 77.7(a)(4); and
  - o Public Health Law §§ 4140; 4144; Not for Profit Corporation Law § 1502, 1517, 19 NYCRR 203.1, 203.4, 203.8, 203.13; 10 NYCRR 13.1.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this seventh day of July in the year two thousand twenty.

*BY THE GOVERNOR*  
/S/ Andrew M. Cuomo  
/s/ Melissa DeRosa  
*Secretary to the Governor*

**Executive Order No. 202.50: 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, and further, I do hereby continue the suspensions and modifications of law, and any directives, not superseded by a subsequent directive, made by Executive Order 202.30 and Executive Order 202.40, which amended the directives contained in Executive Order 202.30, for thirty days until August 8, 2020.

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 August 8, 2020:

- The directive contained in Executive Order 202.5, that required closure to the public of all indoor common portions of retail shopping malls, as extended, and as continued and modified in Executive Order 202.48, is hereby amended to allow such malls to open in regions of the state that are in Phase Four of the state's reopening, so long as such malls adhere to Department of Health issued guidance, effective 12:01am on Friday, July 10, 2020.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this ninth day of July in the year two thousand twenty.

*BY THE GOVERNOR*  
/S/ Andrew M. Cuomo  
/s/ Melissa DeRosa  
*Secretary to the Governor*

**Executive Order No. 202.51: 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, do hereby continue the directives, not superseded by a subsequent directive, made by Executive Order 202.31, and I do hereby continue the suspensions and directives contained in Executive Order 202.41, the directive contained in Executive Order 202.42, and the suspensions and directives contained in Executive Order 202.43, with the following exceptions, for another thirty days through August 12, 2020:

- Section 5-18.0(2) of the Nassau County Administrative Code is no longer suspended or modified; and
- Any extension of the period for paying property taxes without interest or penalties pursuant to Real Property Tax Law Section 925-a is no longer in effect.

IN ADDITION, I hereby temporarily suspend or modify for the period from the date of this Executive Order through August 12, 2020, the following:

- Subdivision 1 of section 259 of the Education Law to the extent necessary to reduce the required number of signatures on registered public or free association library funding petitions to three and three tenths percentum of the total number of votes cast for governor at the last gubernatorial election in such municipality, excluding blank and void votes. Such petitions shall be submitted no less than 30 days prior to the scheduled election.
- Any state law, rule or regulation governing the gathering of nominating petitions for any public library district or special library district election to the extent necessary to provide that the minimum threshold requirement of signatures on nominating petitions for library trustee elections to be held on September 15, 2020 or on a subsequent date after September 15 through December 31, 2020, shall be a number equal to seventy percentum of the minimum number provided for by Education Law or the governing statutory provisions of such library. Such petitions shall be submitted no less than 30 days prior to the scheduled election.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this thirteenth of July in the year two thousand twenty.

*BY THE GOVERNOR*  
/S/ Andrew M. Cuomo  
/s/ Melissa DeRosa  
*Secretary to the Governor*

**Executive Order No. 202.52: 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;

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 the spread of 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; and

WHEREAS, it is incumbent upon business owners and local governments to enforce public health requirements to allow our safe reopening 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, and to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby temporarily suspend or modify, and direct, for the period from the date of this Executive Order through August 15, 2020 the following:

- Any provision of the Alcoholic Beverage Control Law to the extent necessary to require that all businesses that are licensed by the State Liquor Authority for on premises service of alcoholic beverages, and which are required as a license condition to make food available, shall serve alcoholic beverages for on premises consumption or for off premises consumption only if the service of such alcoholic beverage is accompanied by the purchase of a food item by each individual that is being served an alcoholic beverage, consistent with the food availability requirement of the license under the Alcoholic Beverage Control Law. The Chairman of the State Liquor Authority shall be authorized to promulgate any reasonable guidance to effectuate this provision.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this sixteenth of July in the year two thousand twenty.

*BY THE GOVERNOR*  
/S/ Andrew M. Cuomo  
/s/ Melissa DeRosa  
*Secretary to the Governor*



# CONCURRENT RESOLUTIONS

---

Pursuant to the provisions of Section One of Article Nineteen of the Constitution of the State of New York, notice is hereby given that the following proposed amendments (one through five) to the Constitution of the State of New York are referred to the Legislature to be chosen at the next general election to be held on the third day of November 2020. New matter added is **bold** and underscored. **Bold** and ~~strikeout~~ matter in brackets is to be omitted.

## PROPOSED AMENDMENT NUMBER ONE

Senate 1048

**CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY**  
proposing an amendment to section 5 of article 2 of the constitution, in relation to the ten day advance registration requirement

Section 1. Resolved (if the Assembly concur), That section 5 of article 2 of the constitution be amended to read as follows:

§ 5. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters [~~which registration shall be completed at least ten days before each election~~]. Such registration shall not be required for town and village elections except by express provision of law.

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for three months previous to the time of such election.

## PROPOSED AMENDMENT NUMBER TWO

Senate 1049

**CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY**  
proposing an amendment to section 2 of article 2 of the constitution, in relation to authorizing ballot by mail by removing cause for absentee ballot voting

Section 1. Resolved (if the Assembly concur), That section 2 of article 2 of the constitution be amended to read as follows:

§ 2. The legislature may, by general law, provide a manner in which, and the time and place at which, qualified voters [~~who, on the occurrence of any election, may be absent from the county of their residence or, if residents of the city of New York, from the city, and qualified voters who, on the occurrence of any election, may be unable to appear personally at the polling place because of illness or physical disability;~~] may vote and for the return and canvass of their votes **in any election**.

§ 2. Resolved (if the Assembly concur), That the foregoing amend-

ment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.

## PROPOSED AMENDMENT NUMBER THREE

Senate 2072

**CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY**  
proposing an amendment to article 1 of the constitution, in relation to the right to clean air and water and a healthful environment

Section 1. Resolved (if the Assembly concur), That article 1 of the constitution be amended by adding a new section 19 to read as follows:

**§ 19. Environmental rights. Each person shall have a right to clean air and water, and a healthful environment.**

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.

## PROPOSED AMENDMENT NUMBER FOUR

Assembly 7714

**CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY**  
proposing an amendment to section 15 of article VI of the constitution relating to the New York city civil court

Section 1. Resolved (if the Senate concur), That subdivision b of section 15 of article VI of the constitution be amended to read as follows:

b. The court of city-wide civil jurisdiction of the city of New York shall have jurisdiction over the following classes of actions and proceedings which shall be originated in such court in the manner provided by law: actions and proceedings for the recovery of money, actions and proceedings for the recovery of chattels and actions and proceedings for the foreclosure of mechanics liens and liens on personal property where the amount sought to be recovered or the value of the property does not exceed [~~twenty-five~~ **fifty**] thousand dollars exclusive of interest and

costs, or such smaller amount as may be fixed by law; over summary proceedings to recover possession of real property and to remove tenants therefrom and over such other actions and proceedings, not within the exclusive jurisdiction of the supreme court, as may be provided by law. The court of city-wide civil jurisdiction shall further exercise such equity jurisdiction as may be provided by law and its jurisdiction to enter judgment upon a counterclaim for the recovery of money only shall be unlimited.

§ 2. Resolved (if the Senate concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.

PROPOSED AMENDMENT  
NUMBER FIVE

Senate 8833

**CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY**

proposing an amendment to sections 2, 4, 5, 5-a and 5-b of article 3 of the constitution, in relation to the number of state senators and inclusion of incarcerated persons in the federal census for population determination for redistricting purposes and to the functioning of the independent redistricting commission in the determination of district lines for congressional and state legislative offices; and to repeal section 3 of article 3 of the constitution relating thereto

Section 1. Resolved (if the Assembly concur), That section 2 of article 3 of the constitution be amended to read as follows:

§ 2. The senate shall consist of ~~[fifty]~~ **sixty-three** members ~~[, except as hereinafter provided]~~. The senators elected in the year one thousand eight hundred and ninety-five shall hold their offices for three years, and their successors shall be chosen for two years. The assembly shall consist of one hundred and fifty members. The assembly members elected in the year one thousand nine hundred and thirty-eight, and their successors, shall be chosen for two years.

§ 2. Resolved (if the Assembly concur), That section 3 of article 3 of the constitution be REPEALED.

§ 3. Resolved (if the Assembly concur), That section 4 of article 3 of the constitution be amended to read as follows:

§ 4. (a) Except as herein otherwise provided, the federal census taken in the year nineteen hundred thirty and each federal census taken decennially thereafter shall be controlling as to the number of inhabitants in the state or any part thereof for the purposes of the apportionment of members of assembly and readjustment or alteration of senate and assembly districts next occurring, in so far as such census and the tabulation thereof purport to give the information necessary therefor. The legislature, by law, shall provide for the making and tabulation by state authorities of an enumeration of the inhabitants of the entire state to be used for such purposes, instead of a federal census, if the taking of a federal census in any tenth year from the year nineteen hundred thirty be omitted or if the federal census fails to show the **total number of inhabitants of the entire state, including the** number of aliens ~~(or)~~ **and** Indians not taxed. If a federal census, though giving the requisite information as to the state at large, fails to give the information as to any civil or territorial divisions which is required to be known for such purposes, the legislature, by law, shall provide for such an enumeration of the inhabitants of such parts of the state only as may be necessary, which shall supersede in part the federal census and be used in connection therewith for such purposes. **If a federal census fails to provide enumeration and identification of incarcerated persons, the appropriate state entities shall provide information sufficient to re-enumerate incarcerated persons to their place of last residence for the purposes of drawing district lines, no later than September first**

**of any year ending in one.** The legislature, by law, may provide in its discretion for an enumeration by state authorities of the inhabitants of the state, to be used for such purposes, in place of a federal census, when the return of a decennial federal census is delayed so that it is not available at the beginning of the regular session of the legislature in the second year after the year nineteen hundred thirty or after any tenth year therefrom, or if an apportionment of members of assembly and readjustment or alteration of senate districts is not made at or before such a session. At the regular session in the year nineteen hundred thirty-two, and at the first regular session after the year nineteen hundred forty and after each tenth year therefrom the senate districts shall be readjusted or altered, but if, in any decade, counting from and including that which begins with the year nineteen hundred thirty-one, such a readjustment or alteration is not made at the time above prescribed, it shall be made at a subsequent session occurring not later than the sixth year of such decade, meaning not later than nineteen hundred thirty-six, nineteen hundred forty-six, nineteen hundred fifty-six, and so on; provided, however, that if such districts shall have been readjusted or altered by law in either of the years nineteen hundred thirty or nineteen hundred thirty-one, they shall remain unaltered until the first regular session after the year nineteen hundred forty. No town, except a town having more than a full ratio of apportionment ~~[, and no block in a city enclosed by streets or public ways,]~~ shall be divided in the formation of senate districts. ~~[In the reapportionment of senate districts, no district shall contain a greater excess in population over an adjoining district in the same county, than the population of a town or block therein adjoining such district. Counties, towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens.~~

~~No county shall have four or more senators unless it shall have a full ratio for each senator.]~~ No county shall have more than one-third of all the senators; and no two counties or the territory thereof as now organized, which are adjoining counties, or which are separated only by public waters, shall have more than one-half of all the senators.

(b) The independent redistricting commission established pursuant to section five-b of this article shall prepare a redistricting plan to establish senate, assembly, and congressional districts every ten years commencing in two thousand twenty-one, and shall submit to the legislature such plan and the implementing legislation therefor on or before ~~[January]~~ **November** first or as soon as practicable thereafter but no later than ~~[January]~~ **November** fifteenth in the year ending in ~~[two beginning in two thousand twenty-two]~~ **one**. The redistricting plans for the assembly and the senate shall be contained in and voted upon by the legislature in a single bill, and the congressional district plan may be included in the same bill if the legislature chooses to do so. The implementing legislation shall be voted upon, without amendment, by the senate or the assembly and if approved by the first house voting upon it, such legislation shall be delivered to the other house immediately to be voted upon without amendment. If approved by both houses, such legislation shall be presented to the governor for action.

If either house shall fail to approve the legislation implementing the first redistricting plan, or the governor shall veto such legislation and the legislature shall fail to override such veto, each house or the governor if he or she vetoes it, shall notify the commission that such legislation has been disapproved. Within fifteen days of such notification and in no case later than ~~[February twenty-eighth]~~ **January first**, the redistricting commission shall prepare and submit to the legislature a second redistricting plan and the necessary implementing legislation for such plan. Such legislation shall be voted upon, without amendment, by the senate or the assembly and, if approved by the first house voting upon it, such legislation shall be delivered to the other house immediately to be voted upon without amendment. If approved by both houses, such legislation shall be presented to the governor for action. **In the year two thousand twenty-two only, the commission shall submit to the legislature a first redistricting plan no later than January first, two thousand twenty-two. If either house shall fail to approve the legislation implementing the first redistricting plan, or the governor shall veto such legislation and the legislature shall fail to override such veto, each house or the governor if he or she vetoes it, shall promptly notify the commission that such legislation has been**

disapproved. No later than January fifteen, two thousand twenty-two, the redistricting commission shall prepare and submit to the legislature a second redistricting plan and the necessary implementing legislation for such plan. Such legislation shall be voted upon, without amendment, by the senate or the assembly and, if approved by the first house voting upon it, such legislation shall be delivered to the other house immediately to be voted upon without amendment. If approved by both houses, such legislation shall be presented to the governor for action.

If either house shall fail to approve the legislation implementing the second redistricting plan, or the governor shall veto such legislation and the legislature shall fail to override such veto, or the redistricting commission fails to vote on a redistricting plan and implementing legislation by the required deadline and makes a submission to the legislature pursuant to subdivision (g-1) of section five-b of this article, each house shall introduce such implementing legislation with any amendments each house of the legislature deems necessary. All such amendments shall comply with the provisions of this article. If approved by both houses, such legislation shall be presented to the governor for action.

All votes by the senate or assembly on any redistricting plan legislation pursuant to this article shall be conducted in accordance with the following rules:

(1) ~~[In the event that the speaker of the assembly and the temporary president of the senate are members of two different political parties, approval]~~ Approval of legislation submitted by the independent redistricting commission pursuant to subdivision (f) of section five-b of this article shall require the vote in support of its passage by at least a majority of the members elected to each house.

(2) ~~[In the event that the speaker of the assembly and the temporary president of the senate are members of two different political parties, approval]~~ Approval of legislation submitted by the independent redistricting commission pursuant to subdivision (g) of section five-b of this article shall require the vote in support of its passage by at least sixty percent of the members elected to each house.

~~[(3) In the event that the speaker of the assembly and the temporary president of the senate are members of the same political party, approval of legislation submitted by the independent redistricting commission pursuant to subdivision (f) or (g) of section five-b of this article shall require the vote in support of its passage by at least two-thirds of the members elected to each house.]~~

(c) Subject to the requirements of the federal constitution and statutes and in compliance with state constitutional requirements, the following principles shall be used in the creation of state senate and state assembly districts and congressional districts:

(1) When drawing district lines, the commission shall consider whether such lines would result in the denial or abridgement of racial or language minority voting rights, and districts shall not be drawn to have the purpose of, nor shall they result in, the denial or abridgement of such rights. Districts shall be drawn so that, based on the totality of the circumstances, racial or minority language groups do not have less opportunity to participate in the political process than other members of the electorate and to elect representatives of their choice.

(2) To the extent practicable, districts shall contain as nearly as may be an equal number of inhabitants. For each district that deviates from this requirement, the commission shall provide a specific public explanation as to why such deviation exists.

(3) Each district shall consist of contiguous territory.

(4) Each district shall be as compact in form as practicable.

(5) Districts shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. The commission shall consider the maintenance of cores of existing districts, of pre-existing political subdivisions, including counties, cities, and towns, and of communities of interest.

~~(6) [In drawing senate districts, towns or blocks which, from their location may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants. The requirements that senate districts not divide counties or towns,~~

~~as well as the 'block-on-border' and 'town-on-border' rules, shall remain in effect]~~ To the extent practicable, all incarcerated persons shall be re-numerated to their place of last residence for the purposes of drawing district lines.

During the preparation of the redistricting plan, the independent redistricting commission shall conduct not less than one public hearing on proposals for the redistricting of congressional and state legislative districts in each of the following (i) cities: Albany, Buffalo, Syracuse, Rochester, and White Plains; and (ii) counties: Bronx, Kings, New York, Queens, Richmond, Nassau, and Suffolk. Notice of all such hearings shall be widely published using the best available means and media a reasonable time before every hearing. At least thirty days prior to the first public hearing and in any event no later than September fifteenth of the year ending in one or as soon as practicable thereafter, the independent redistricting commission shall make widely available to the public, in print form and using the best available technology, its draft redistricting plans, relevant data, and related information. Such plans, data, and information shall be in a form that allows and facilitates their use by the public to review, analyze, and comment upon such plans and to develop alternative redistricting plans for presentation to the commission at the public hearings. The independent redistricting commission shall report the findings of all such hearings to the legislature upon submission of a redistricting plan.

(d) The ratio for apportioning senators shall always be obtained by dividing the number of inhabitants~~[, excluding aliens,]~~ by ~~[fifty] sixty-three~~, and the senate shall always be composed of ~~[fifty] sixty-three~~ members~~[, except that if any county having three or more senators at the time of any apportionment shall be entitled on such ratio to an additional senator or senators, such additional senator or senators shall be given to such county in addition to the fifty senators, and the whole number of senators shall be increased to that extent].~~

The senate districts, including the present ones, as existing immediately before the enactment of a law readjusting or altering the senate districts, shall continue to be the senate districts of the state until the expirations of the terms of the senators then in office, except for the purpose of an election of senators for full terms beginning at such expirations, and for the formation of assembly districts.

(e) The process for redistricting congressional and state legislative districts established by this section and sections five and five-b of this article shall govern redistricting in this state except to the extent that a court is required to order the adoption of, or changes to, a redistricting plan as a remedy for a violation of law.

A reapportionment plan and the districts contained in such plan shall be in force until the effective date of a plan based upon the subsequent federal decennial census taken in a year ending in zero unless modified pursuant to court order.

§ 4. Resolved (if the Assembly concur), That sections 5-a and 5-b of article 3 of the constitution be amended to read as follows:

~~§ 5-a. For the purpose of apportioning senate and assembly districts pursuant to the foregoing provisions of this article, the term "inhabitants, excluding aliens" shall mean the whole number of persons.]~~

§ 5-b. (a) On or before February first of each year ending with a zero and at any other time a court orders that congressional or state legislative districts be amended, an independent redistricting commission shall be established to determine the district lines for congressional and state legislative offices. The independent redistricting commission shall be composed of ten members, appointed as follows:

(1) two members shall be appointed by the temporary president of the senate;

(2) two members shall be appointed by the speaker of the assembly;

(3) two members shall be appointed by the minority leader of the senate;

(4) two members shall be appointed by the minority leader of the assembly;

(5) two members shall be appointed by the eight members appointed pursuant to paragraphs (1) through (4) of this subdivision by a vote of not less than five members in favor of such appointment, and these two members shall not have been enrolled in the preceding five years in ei-

ther of the two political parties that contain the largest or second largest number of enrolled voters within the state;

(6) one member shall be designated chair of the commission by a majority of the members appointed pursuant to paragraphs (1) through (5) of this subdivision to convene and preside over each meeting of the commission.

(b) The members of the independent redistricting commission shall be registered voters in this state. No member shall within the last three years:

(1) be or have been a member of the New York state legislature or United States Congress or a statewide elected official;

(2) be or have been a state officer or employee or legislative employee as defined in section seventy-three of the public officers law;

(3) be or have been a registered lobbyist in New York state;

(4) be or have been a political party chairman, as defined in paragraph (k) of subdivision one of section seventy-three of the public officers law;

(5) be the spouse of a statewide elected official or of any member of the United States Congress, or of the state legislature.

(c) To the extent practicable, the members of the independent redistricting commission shall reflect the diversity of the residents of this state with regard to race, ethnicity, gender, language, and geographic residence and to the extent practicable the appointing authorities shall consult with organizations devoted to protecting the voting rights of minority and other voters concerning potential appointees to the commission.

(d) Vacancies in the membership of the commission shall be filled within thirty days in the manner provided for in the original appointments.

(e) The legislature shall provide by law for the compensation of the members of the independent redistricting commission, including compensation for actual and necessary expenses incurred in the performance of their duties.

(f) A minimum of five members of the independent redistricting commission shall constitute a quorum for the transaction of any business or the exercise of any power of such commission prior to the appointment of the two commission members appointed pursuant to paragraph (5) of subdivision (a) of this section, and a minimum of seven members shall constitute a quorum after such members have been appointed, and no exercise of any power of the independent redistricting commission shall occur without the affirmative vote of at least a majority of the members, provided that ~~in order to approve any redistricting plan and implementing legislation, the following rules shall apply:~~

~~(1) In the event that the speaker of the assembly and the temporary president of the senate are members of the same political party, approval of a redistricting plan and implementing legislation by the commission for submission to the legislature shall require the vote in support of its approval by at least seven members including at least one member appointed by each of the legislative leaders.~~

~~(2) In the event that the speaker of the assembly and the temporary president of the senate are members of two different political parties, approval of a redistricting plan and implementing legislation by the commission for submission to the legislature shall require the vote in support of its approval by at least seven members [including at least one member appointed by the speaker of the assembly and one member appointed by the temporary president of the senate].~~

(g) In the event that the commission is unable to obtain seven votes to approve a redistricting plan on or before ~~January~~ **November** first in the year ending in ~~two~~ **one** or as soon as practicable thereafter, the commission shall submit to the legislature that redistricting plan and implementing legislation that garnered the highest number of votes in support of its approval by the commission with a record of the votes taken. In the event that more than one plan received the same number of votes for approval, and such number was higher than that for any other plan, then the commission shall submit all plans that obtained such number of votes. The legislature shall consider and vote upon such implementing legislation in accordance with the voting rules set forth in subdivision (b) of section four of this article.

**(g-1) If the commission does not vote on any redistricting plan or**

**plans, for any reason, by the date required for submission of such plan by this article, the commission shall submit to the legislature all plans in its possession, both completed and in draft form, and the data upon which such plans are based.**

(h) (1) The independent redistricting commission shall appoint two co-executive directors by a majority vote of the commission ~~in accordance with the following procedure:~~

~~(i) In the event that the speaker of the assembly and the temporary president of the senate are members of two different political parties, the co-executive directors shall be approved by a majority of the commission that includes at least one appointee by the speaker of the assembly and at least one appointee by the temporary president of the senate.~~

~~(ii) In the event that the speaker of the assembly and the temporary president of the senate are members of the same political party, the co-executive directors shall be approved by a majority of the commission that includes at least one appointee by each of the legislative leaders].~~

(2) ~~[One of the co-executive directors shall be enrolled in the political party with the highest number of enrolled members in the state and one shall be enrolled in the political party with the second highest number of enrolled members in the state.]~~ The co-executive directors shall appoint such staff as are necessary to perform the commission's duties, except that the commission shall review a staffing plan prepared and provided by the co-executive directors which shall contain a list of the various positions and the duties, qualifications, and salaries associated with each position.

~~(3) In the event that the commission is unable to appoint one or both of the co-executive directors within forty-five days of the establishment of a quorum of seven commissioners, the following procedure shall be followed:~~

~~(i) In the event that the speaker of the assembly and the temporary president of the senate are members of two different political parties, within ten days the speaker's appointees on the commission shall appoint one co-executive director, and the temporary president's appointees on the commission shall appoint the other co-executive director. Also within ten days the minority leader of the assembly shall select a co-deputy executive director, and the minority leader of the senate shall select the other co-deputy executive director.~~

~~(ii) In the event that the speaker of the assembly and the temporary president of the senate are members of the same political party, within ten days the speaker's and temporary president's appointees on the commission shall together appoint one co-executive director, and the two minority leaders' appointees on the commission shall together appoint the other co-executive director.~~

~~(4) In the event of a vacancy in the offices of co-executive director or co-deputy executive director, the position shall be filled within ten days of its occurrence by the same appointing authority or authorities that appointed his or her predecessor.]~~

(i) The state budget shall include necessary appropriations for the expenses of the independent redistricting commission, provide for compensation and reimbursement of expenses for the members and staff of the commission, assign to the commission any additional duties that the legislature may deem necessary to the performance of the duties stipulated in this article, and require other agencies and officials of the state of New York and its political subdivisions to provide such information and assistance as the commission may require to perform its duties.

§ 5. Resolved (if the Assembly concur), That section 5 of article 3 of the constitution be amended to read as follows:

§ 5. The members of the assembly shall be chosen by single districts and shall be apportioned pursuant to this section and sections four and five-b of this article at each regular session at which the senate districts are readjusted or altered, and by the same law, among the several counties of the state, as nearly as may be according to the number of their respective inhabitants ~~excluding aliens~~. Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one member of assembly, and no county shall

hereafter be erected unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, entitle it to a member. But the legislature may abolish the said county of Hamilton and annex the territory thereof to some other county or counties.

The quotient obtained by dividing the whole number of inhabitants of the state, ~~[excluding aliens,]~~ by the number of members of assembly, shall be the ratio for apportionment, which shall be made as follows: One member of assembly shall be apportioned to every county, including Fulton and Hamilton as one county, containing less than the ratio and one-half over. Two members shall be apportioned to every other county. The remaining members of assembly shall be apportioned to the counties having more than two ratios according to the number of inhabitants, ~~[excluding aliens]~~. Members apportioned on remainders shall be apportioned to the counties having the highest remainders in the order there-of respectively. No county shall have more members of assembly than a county having a greater number of inhabitants, ~~[excluding aliens]~~.

The assembly districts, including the present ones, as existing immediately before the enactment of a law making an apportionment of members of assembly among the counties, shall continue to be the assembly districts of the state until the expiration of the terms of members then in office, except for the purpose of an election of members of assembly for full terms beginning at such expirations.

In any county entitled to more than one member, the board of supervisors, and in any city embracing an entire county and having no board of supervisors, the common council, or if there be none, the body exercising the powers of a common council, shall assemble at such times as the legislature making an apportionment shall prescribe, and divide such counties into assembly districts as nearly equal in number of inhabitants, ~~[excluding aliens,]~~ as may be, of convenient and contiguous territory in as compact form as practicable, each of which shall be wholly within a senate district formed under the same apportionment, equal to the number of members of assembly to which such county shall be entitled, and shall cause to be filed in the office of the secretary of state and of the clerk of such county, a description of such districts, specifying the number of each district and of the inhabitants thereof, ~~[excluding aliens,]~~ according to the census or enumeration used as the population basis for the formation of such districts; and such apportionment and districts shall remain unaltered until after the next reapportionment of members of assembly, except that the board of supervisors of any county containing a town having more than a ratio of apportionment and one-half over may alter the assembly districts in a senate district containing such town at any time on or before March first, nineteen hundred forty-six. In counties having more than one senate district, the same number of assembly districts shall be put in each senate district, unless the assembly districts cannot be evenly divided among the senate districts of any county, in which case one more assembly district shall be put in the senate district in such county having the largest, or one less assembly district shall be put in the senate district in such county having the smallest number of inhabitants, ~~[excluding aliens,]~~ as the case may require. Nothing in this section shall prevent the division, at any time, of counties and towns and the erection of new towns by the legislature.

An apportionment by the legislature, or other body, shall be subject to review by the supreme court, at the suit of any citizen, under such reasonable regulations as the legislature may prescribe; and any court before which a cause may be pending involving an apportionment, shall give precedence thereto over all other causes and proceedings, and if said court be not in session it shall convene promptly for the disposition of the same. The court shall render its decision within sixty days after a petition is filed. In any judicial proceeding relating to redistricting of congressional or state legislative districts, any law establishing congressional or state legislative districts found to violate the provisions of this article shall be invalid in whole or in part. In the event that a court finds such a violation, the legislature shall have a full and reasonable opportunity to correct the law's legal infirmities.

§ 6. Resolved (if the Assembly concur), That the foregoing amendments be referred to the first regular legislative session convening after

the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.

