
NEW YORK STATE

REGISTER

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

For notices published in this issue:

- the 60-day period expires on October 18, 2020
- the 45-day period expires on October 3, 2020
- the 30-day period expires on September 18, 2020

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GOVERNOR**

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SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

Department of Environmental Conservation

EMERGENCY RULE MAKING

Regulations Governing the Recreational Harvest of Bluefish

I.D. No. ENV-21-20-00003-E

Filing No. 477

Filing Date: 2020-08-03

Effective Date: 2020-08-03

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

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

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

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

Specific reasons underlying the finding of necessity: This emergency rule making is necessary for the preservation of the general welfare. The amendments contained in this rulemaking will ensure that New York State maintains compliance with the requirements of the Atlantic States Marine Fisheries Commission's (ASMFC) and the Mid-Atlantic Fishery Management Council's (MAFMC) Fishery Management Plan (FMP) for bluefish. Failure to maintain compliance with the FMP for bluefish may result in the federal closure of New York State's bluefish fishery.

The Department of Environmental Conservation (DEC) is lowering the recreational possession limit for bluefish in accordance with the FMP provisions. Bluefish, coastwide, are overfished based on the last operational stock assessment conducted in 2019. The overfished determination

required the ASMFC and MAFMC to decrease the recreational harvest of bluefish by twenty-nine percent. The new possession limits of 3 fish for private anglers and shore-based fishermen, and 5 fish for anglers fishing from for-hire vessels were approved by the ASMFC and MAFMC and are intended to achieve the required reduction in recreational harvest of bluefish.

New York State must remain in compliance with the FMP to avoid the closure of New York State's bluefish fishery by the federal government and to help protect the status of a vulnerable fishery.

Subject: Regulations governing the recreational harvest of bluefish.

Purpose: To revise regulations concerning the recreational harvest of bluefish in New York State.

Text of emergency rule: Existing subdivision 40.1(f) of 6 NYCRR is amended to read as follows:

In Table A, Species Striped bass (except the Hudson River north of the George Washington Bridge) through Species Weakfish remains the same.

Species Bluefish is amended to read as follows:

40.1(f) Table A – Recreational fishing.

<i>Species</i>	<i>Open Season</i>	<i>Minimum Length</i>	<i>Possession Limit</i>
<i>Bluefish licensed party/charter boat anglers ###</i>	All year	[No minimum size limit for the first 10 fish; 12" TL for the next 5 fish] <i>No minimum size limit</i>	[15, no more than 10 of which shall be less than 12" TL] 5
<i>Bluefish all other anglers</i>	All year	<i>No minimum size limit</i>	3

Species Winter flounder through species Atlantic menhaden remain the same.

Footnote * through footnote **** remain the same.

New footnote ### is added to read as follows:

See special regulations contained in paragraph (h)(4) of this section.

Subdivision 40.1(g) remains the same.

Subdivision 40.1(h) is amended to read as follows:

(h) Summer flounder [and] scup, and bluefish recreational fishing—special regulations.

Paragraphs 40.1(h)(1) through 40.1(h)(3) remain the same.

New paragraph 40.1(h)(4) is added to read as follows:

(4) *Party and charter boat license holders must provide each customer who possesses more than 3 bluefish with a commercially printed, dated original fare receipt, bearing the vessel's name and the permit number. The customer of any licensed party or charter boat who lands or possesses more than 3 bluefish must possess an original receipt from that party or charter boat.*

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. ENV-21-20-00003-EP, Issue of May 27, 2020. The emergency rule will expire October 1, 2020.

Text of rule and any required statements and analyses may be obtained from: Rachel Sysak, Department of Environmental Conservation, 205 North Belle Mead Rd., Suite 1, East Setauket, NY 11733, (631) 444-0469, email: rachel.sysak@dec.ny.gov

Additional matter required by statute: DEC has determined that the Notice of Emergency Adoption is a Type II action and no further review is required pursuant to Article 8 of the ECL, the State Environmental Quality Review Act.

Regulatory Impact Statement

1. Statutory authority:

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

ECL § 13-0340 authorizes DEC to adopt regulations governing bluefish including: size limits, catch limits and possession limits, open and closed seasons, and/or other relevant management measures.

2. Legislative objectives:

It is the objective of the above-cited legislation that DEC manages marine fisheries to optimize resource use for recreational and commercial harvesters in a manner that is consistent with federal marine fisheries conservation and management policies including all applicable interstate fishery management plans. These amendments will ensure that New York maintains compliance and consistency with requirements of the Atlantic States Marine Fisheries Commission’s (ASMFC) and the Mid-Atlantic Fishery Management Council’s (MAFMC) Fishery Management Plan (FMP) for bluefish.

3. Needs and benefits:

DEC is adopting this rulemaking on an emergency basis for the preservation of the general welfare. The amendments contained in this rulemaking will ensure that New York State maintains compliance with the requirements of ASMFC’s and MAFMC’s FMP for bluefish. Failure to maintain compliance with the FMP for bluefish may result in the federal closure of New York State’s bluefish fishery.

Bluefish, coastwide, are overfished based on the last operational stock assessment conducted in 2019. The current recreational possession limit is 15 bluefish per day. This amendment will lower the possession limit of recreationally harvested bluefish to 3 fish per day for private anglers and shore based fishers and 5 fish per day for anglers fishing from for-hire vessels. These requirements are intended to achieve a twenty-nine percent reduction to the coast-wide recreational harvest of bluefish, which was identified as a critical measure for the recovery of the stock.

Ultimately, this rule was designed to ensure the continued long-term sustainability of New York State’s bluefish fishery. Sustainable fisheries have a positive effect on employment for both party charter businesses and related industries. Failure to implement this measure to protect New York State’s natural resources may result in the collapse of bluefish stock which would have a severe and adverse impact on both the commercial and recreational fisheries for bluefish, as well as supporting industries that benefit economically from the bluefish fishery.

4. Costs:

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

5. Local government mandates:

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

6. Paperwork:

None.

7. Duplication:

The amendment does not duplicate any state or federal requirement.

8. Alternatives:

“No action” alternative – This option would leave in place current bluefish regulations and would not lower the recreational possession limit. This option was rejected because it would result in overharvest of the bluefish stock and because these regulations are necessary for New York State to comply with ASMFC and MAFMC’s FMP for bluefish. Failure to adopt these measures could result in the federal closure of New York State’s bluefish fishery.

9. Federal standards:

The amendments are in compliance with federal standards.

10. Compliance schedule:

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

Regulatory Flexibility Analysis

1. Effect of rule:

This rule making will reduce the harvest of bluefish in New York by

implementing more restrictive possession limits for recreational bluefish harvesters. The proposed amendment approved by the Atlantic States Marine Fisheries Commission and the Mid-Atlantic Fishery Management Council contains the following provisions: 1) lowers the possession limits for private anglers and shore-based fishers from 15 fish per day to 3 fish per day, and 2) lowers the possession limit for anglers fishing from for-hire vessels from 15 fish per day to 5 fish per day.

Based on 2019 figures, there are approximately 519 party and charter license holders in New York State that may be impacted by this rule. There are also retail and wholesale marine bait and tackle shop businesses operating in New York. Data available from 2019 New York State Vessel Trip Reports shows that there were 4,671 party/charter fishing trips that caught and kept bluefish, but these statistics do not include federally permitted commercial vessels operating out of New York State. The National Oceanic and Atmospheric Administration’s Marine Recreational Information Program estimates that there were 1,510,696 recreational trips targeting bluefish in New York in 2019. The proposed amendment decreases the amount of bluefish that can be kept by recreational fishers. This could result in a loss of revenue for some party-charter businesses and bait and tackle shops.

Ultimately, these regulations are designed to reduce the harvest of bluefish to allow the stock to recover and maintain the sustainability of an important recreational and commercial fishery.

2. Compliance requirements:

None.

3. Professional services:

None.

4. Compliance costs:

There are no initial capital costs that will be incurred by a regulated business or industry that complies with the proposed rule.

5. Economic and technological feasibility:

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

There are no associated economic or technological hardships identified for local governments.

6. Minimizing adverse impact:

This rule making is the minimum necessary to remain in compliance with ASMFC’s and MAFMC’s FMP for bluefish. It is critical to remain in compliance with FMPs for bluefish to avoid the federal closure of New York State’s bluefish fishery.

This rule was designed to ensure the continued long-term sustainability of New York State’s bluefish fishery. Sustainable fisheries have a positive effect on employment for both party charter businesses and related industries. Failure to implement this measure to protect New York State’s natural resources may result in the collapse of bluefish stock which would have a severe and adverse impact on both the commercial and recreational fisheries for bluefish, as well as supporting industries that benefit economically from the bluefish fishery.

7. Small business and local government participation:

New York State recreational harvesters had an opportunity to comment on the measures being adopted in this rule making during the Marine Resources Advisory Council (MRAC) Meeting on January 21, 2020. The MRAC was first made aware that bluefish regulations would need to be more restrictive in 2020 during the November 19, 2019 meeting. The MAFMC and ASMFC Bluefish Board met on December 10, 2019 and approved the recreational measures included in this rulemaking as a coastwide measure but allowed for states to submit Conservation Equivalency measures.

MRAC supported the coastwide measures as presented in this regulatory package at their January 21, 2020 meeting.

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

Pursuant to the State Administrative Procedure Act (SAPA) § 202-b(1-a)(b), a cure period is not included in the rule because of the potential adverse impact on the resource. Cure periods for the illegal taking of fish or wildlife are neither desirable nor recommended. Immediate compliance is required to ensure that the general welfare of the public and the resource are both protected.

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

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

Rural Area Flexibility Analysis

DEC has determined that this rule will not impose any adverse impacts on rural areas. This rule making only affects the Marine and Coastal District of the State; there are no rural areas within the Marine and Coastal District.

The bluefish fishery is entirely located within the Marine and Coastal District and is not located adjacent to any rural areas of the State. The proposed rule will not impose any reporting, record keeping, or other compliance requirements on public or private entities in rural areas. Since no rural areas will be affected by the proposed amendments, DEC has determined that a Rural Area Flexibility Analysis is not required.

Job Impact Statement

1. Nature of impact:

This rule making will reduce the harvest of bluefish in New York by implementing more restrictive possession limits for recreational bluefish harvesters. The proposed amendment approved by the Atlantic States Marine Fisheries Commission and the Mid-Atlantic Fishery Management Council will adopt the following provisions: lower the possession limits for private anglers and shore-based fishers to 3 fish, and lower the possession limit for anglers fishing from for-hire vessels to 5 fish.

2. Categories and numbers affected:

In 2019, there were 519 licensed party and charter businesses in New York State. There were also retail and wholesale marine bait and tackle shop businesses operating in New York. Data available from 2019 New York State Vessel Trip Reports show that there were 4,671 party/charter fishing trips that caught and kept bluefish in 2019. These statistics do not include federally permitted commercial vessels operating out of New York State.

3. Regions of adverse impact:

The bluefish fishery is located entirely within the Marine and Coastal District of New York State.

4. Minimizing adverse impact:

New York State recreational harvesters had an opportunity to comment on the measures being adopted in this rule making during the Marine Resources Advisory Council (MRAC) Meeting on January 21, 2020. The MRAC was first made aware that bluefish regulations would need to be more restrictive in 2020 during the November 19, 2019 meeting. The MAFMC and ASMFC Bluefish Board met on December 10, 2019 to vote on, and ultimately approved, the recreational measures included in this rulemaking as a coastwide measure but allowed for states to submit Conservation Equivalent measures. MRAC supported the coastwide measure as presented in this regulatory package at their January 21, 2020 meeting over other alternatives.

Ultimately, the maintenance of long-term sustainable fisheries will have a positive effect on employment for the fisheries in question, including party and charter boat fisheries, as well as wholesale and retail bait and tackle shops and other support industries for recreational fisheries.

5. Self-employment opportunities:

Party and charter boat businesses, bait and tackle shops, and marinas are, for the most part, small businesses, owned and often operated by a single owner. The recreational fishing industry is mostly self-employed. This rule will likely have a negative effect upon opportunities for businesses related to the recreational harvest of bluefish. However, failing to adopt this rulemaking and comply with the ASMFC and MAFMC requirements could lead to a complete closure of New York's bluefish fishery.

Ultimately, this rule was designed to ensure the continued long-term sustainability of New York State's bluefish fishery. Sustainable fisheries have a positive effect on employment for both party charter businesses and related industries. Failure to implement this measure to protect New York State's natural resources may result in the collapse of bluefish stock which would have a severe and adverse impact on both the commercial and recreational fisheries for bluefish, as well as supporting industries that benefit economically from the bluefish fishery.

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

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

NOTICE OF ADOPTION

Brookfield Trail System

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

Filing No. 471

Filing Date: 2020-07-29

Effective Date: 2020-08-19

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

Action taken: Addition of section 190.38 to Title 6 NYCRR.

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

Subject: Brookfield Trail System.

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

Text or summary was published in the March 18, 2020 issue of the Register, I.D. No. ENV-11-20-00002-P.

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

Text of rule and any required statements and analyses may be obtained from: Robert Messenger, DEC, 625 Broadway, Albany, NY 12233, (518) 402-9428, email: robert.messenger@dec.ny.gov

Additional matter required by statute: A Short EAF was completed for compliance with the State Environmental Quality Review Act.

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

Brookfield Trails-Moscow Hill Camping and Assembly Area Special Regulations

The 60-day public comment period from March 18, 2020 through May 18, 2020 resulted in thirteen email replies submitted to the Department. Many of the written emails had addressed more than one concern within their replies. Prior to this public comment period, the Department hosted a public meeting on April 7, 2016 at the Sherburne High School auditorium to inform the public on the upcoming proposed regulations as part of the Brookfield Unit Management Plan amendment and recorded comments from that event. Approximately 50 people attended that meeting and several made verbal comments.

The following comments are from the public comment period for the section 190.38 proposed regulations for the Brookfield camping areas and associated trail system.

Comment: In support of the proposed regulations. Feels that the regulations will help deter abuse and overuse of the property. (Six written comments)

Response: Thank you.

Comment: Object to non-horse members setting up camp in horse camping area depriving horse campers of stall access. (Two comments received)

Response: The Moscow Hill Camping area was developed and in use before the creation of the horse trail system. It was first developed for general camping for all users. Recreational use of this area is not exclusive to equestrian campers/riders, despite this area being very much tailored to horse use by the facilities available. In the late 1990's, camping for non-horse users was developed at Cherry Ridge campground, a few miles away to alleviate possible conflicts of different user groups. Signs are onsite at Moscow Hill that advertise this option for any campers who want to camp without horses.

Comment: Objects to campers who set up camp to "reserve" their spot while they are not actually camping.

Response:

It is a violation of current regulations to place camping equipment on a site in order to "reserve" it if the user does not show up and actually occupy the site. A bonafide occupancy is required when under permit and if not under issued camping permit it becomes abandoned equipment when it has been left unoccupied for 48 hours or more.

Comment: Do not think it is acceptable to require rabies vaccinations for horses, proof of negative Coggins testing is enough. (Two comments received)

Response: The rabies virus is a very serious risk and can be fatal to both humans and livestock (horses) or domestic pets. The CDC (Center for Disease Control and Prevention) recommends any interstate travel of cats, dogs and horses have proof of being vaccinated against the rabies virus. There is always the potential risk of horses coming into contact with a wild animal that could be positive for rabies while visiting state facilities. For the safety of all recreational users and any animals brought onsite, the Department will require proof of rabies vaccination for both pets and horses, including all associated equine species present at the trail system and associated campgrounds, upon request.

Comment: Mountain bikes should not be allowed on the horse trails because of their speed and the danger to all hikers and other slow travelers. The bikes cause much erosion and create serious maintenance costs to correct damage.

Response: The Brookfield Trail System had primarily been developed for equestrian use but was also designated as a multiple use trail network. Mountain biking has been allowed and is an occasional use of the trail system for well over 30 years. During that time, the Department has not noted any significant adverse environmental impact from this use and did not make the use of mountain bikes on the trails a new rule proposal. Occasional conflict can occur between user groups. The Department, seldom if ever receives formal complaints from the public between horse riders

and mountain bikers. Trail etiquette information is readily available online and in pamphlets from the New York State Horse Council. Environmental damage is more likely to occur from both mountain bikers and equestrian riders during the traditional “mud seasons” of late fall and early spring. That was primarily the reason for the seasonal trail restrictions that were implemented after the initial Brookfield Unit Management Plan and public meeting held back in 1995. The seasonal closure of the trail system has been in place since that time.

Comment: Do not agree with seasonal trail closures (November 1st to April 30th.) as outlined in the rule making proposal. (Four comments received)

Response: Dating back to the early 1990’s, the Department had concerns over some serious adverse environmental impacts discovered on many of the designated trails within the Brookfield Trail System. Most of the impacts of concern were from frequent equestrian use, illegal motorcycle and ATV use and mountain bikes to a much lesser degree, during the late fall and early spring annual “mud seasons”. The impacts were unacceptable as far as erosion and trail degradation was concerned. Some issues were resolved with trail re-routes and closures for the worst of the trails. The main overriding factor in the Department’s view was that the majority of the soils found on state lands in the Central New York region have poor seasonal drainage issues and the annual patterns of heavy precipitation during these colder months can compound this issue. Both of these conditions are not favorable to continued trail use during these times of year. To upgrade large sections of trails with stone or extended boardwalks or bridges proved to be too costly for the maintenance budgets available. Starting in the mid 1990’s and continuing every year to date, the Department adopted this same dated “trail closed” season and has enforced it through proper signage at main entry points throughout the trail system and on the printed trail maps available both online and at all trail registers. This closure has seen more positive than negative results and does not extend to other trail systems or to the thousands of acres found within other nearby state forests that are available for similar recreational use. The development of the Brookfield trail System and the 50 plus years of use has proven very popular with recreationists and the concern to “love it to death” has been eased allowing the trails, the surrounding soils and vegetation a chance to recover from any high seasonal use impacts. This trail closure also has a positive effect on the limited maintenance budgets available to the Department. Winter conditions also introduce snowmobile use, this trail system’s other designated seasonal use. Many of the designated roads and main trails are maintained and groomed by organized snowmobile clubs as part of the statewide system of advertised corridor sled trails.

Comment: Do not agree with the proposal to prohibit riding of horses and mountain bikes on trails other than those designated, including unofficial or renegade trails in Brookfield. (Three comments received)

Response: On any given State Reforestation Area land parcel, the general provisions of the Environmental Conservation Laws (ECL) Part 190 rules and regulations allow for the leading of horses anywhere on such property unless otherwise posted by the Department. The use of trails outside the Department’s designated trails can cause multiple problems for both maintenance, safety issues and potential conflicts with other forest management objectives, especially in an area as intensively used as Brookfield has been. The overall management of Brookfield state lands is primarily focused on the presence and locations of the trail system. This trail network has been in place for over 50 years. The recreational use is a large component of the state land management objectives put forth in the recently amended Brookfield Unit Management Plan (2016). Changes to the approved use or additional expansion of the trail system would need to be addressed through the Unit Management Planning process and approved or amended as part of the existing plan. This trail system is primarily designed for equestrian use, and is one of only several designated trail systems throughout New York that is available for this type of a formal riding experience. When people decide to make their own trails off the designated system many potential problems can occur. Primarily, the continued use from others on these non-designated or “renegade” trails can cause undue adverse environmental impacts and add more maintenance requirements to the Department. Several examples of trail use outside the designated trail network have shown that this type of use creates more problems than what can be addressed with yearly maintenance budgets and can interfere with other management objectives that are already in place for areas outside the layout of the trail system. This includes timber management and protection areas that may need to be off limits to the public due to the environmental sensitivity of the particular location.

Comment: Allow mountain biking on the trail system during the closed season of November 1st through April 30th, in particular with “Fat Bikes” having tires with four or more inches of tread width. (Three comments received)

Response: The Department recognizes other seasonal traditional recreational uses during the current trail closed season which includes both big and small game hunting, cross country skiing and snowmobile

trail riding. Although equestrian and mountain bike use has been permitted only on State Public Forest Access Roads (PFAR or truck trails) and seasonal town roads within the Brookfield Trail System during the closed trail season, those uses are not permitted once these surfaces are snow covered. This is set forth in the New York State Environmental Conservation Law general provisions for use of State Reforestation Areas throughout New York. The seasonal trail closure dates for Brookfield are intended for the off-road trails that meander throughout the forest areas, away from public roads. The use of mountain bikes on the Brookfield Trail System during the winter is not allowed primarily because these trails are also designated for snowmobile use and many of them are maintained by local snowmobile clubs through active Volunteer Stewardship Agreements between the Department and these various clubs. There are many other state lands within the Central New York Region that do permit mountain bike riding within the winter months and several other designated mountain bike trails systems on other state forests that offer ample opportunity for such recreational use. To allow this use, in addition to the many existing activities permitted in Brookfield for the trail system conflicts with other traditional winter recreational uses that have been ongoing for decades. The Department does not support this change for these reasons.

NOTICE OF ADOPTION

Regulations Governing Commercial and Recreational Fishing for Striped Bass

I.D. No. ENV-15-20-00015-A

Filing No. 476

Filing Date: 2020-08-03

Effective Date: 2020-08-19

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

Action taken: Amendment of Parts 10 and 40 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 11-0303, 11-1521, 13-0105, 13-0339 and 13-0347

Subject: Regulations governing commercial and recreational fishing for striped bass.

Purpose: To amend 6 NYCRR Parts 10 and 40 pertaining to commercial and recreational regulations for striped bass.

Text of final rule: Part 10 of 6 NYCRR is amended to read as follows:

Existing paragraph 10.1(b)(18) is amended to read as follows:
 (b) ‘Table A- Sportfishing regulations.’

	‘Species’	‘Open season’	‘Minimum length or slot limit’	‘Daily limit’
(18)	Striped Bass (in the Hudson River and tributaries north of the George Washington Bridge and all inland waters)	April 1 through November 30	18” to 28” TL [or > 40” TL] (total length see ECL § 13-0339[4])	1

Subparagraph 10.2(i)(1)(ii) is amended to read as follows:

(ii) of a size less than that specified for such species or a size outside of the slot limit; and

Subparagraph 10.2(i)(2)(f) is amended to read as follows:

(2) Table D: Fishing regulations for Delaware River and its West Branch bordering Pennsylvania.

	‘Species’	‘Open season’	‘Minimum length or slot limit’	‘Daily limit’
(‘f’)	Striped bass	All year	28” to 35” TL (total length see ECL § 13-0339[4])	1

Subdivision 40.1(f) is amended to read as follows:

(f) ‘Table A—Recreational fishing.’

‘Species’	‘Open season’	‘Minimum length or slot limit’	‘Possession limit’
Striped Bass (except the Hudson River north of the George Washington Bridge)	April 15 – Dec. 15	28” to 35” TL	1

Species Red drum through Atlantic menhaden remain the same. Subdivision 40.1(i) is amended to read as follows:

(i) ‘Table B—Commercial fishing.’

‘Species’	‘Open season’	‘Minimum length or slot limit’	‘Trip limit’
Striped Bass (the area east of a line drawn due north from the mouth of Wading River Creek and east of a line at 73 degrees 46 minutes west longitude, which is near the terminus of East Rockaway Inlet)	May 15- Dec. 15#	Not less than [28”] 26” TL nor greater than 38” TL	See subdivision (j) of this section

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 10.1(b), 10.2(i)(1)(ii), (2), 40.1(f) and (i).

Text of rule and any required statements and analyses may be obtained from: Carol Hoffman, New York State Department of Environmental Conservation, Marine Resources, 205 N. Belle Mead Rd., Suite 1, East Setauket, NY 11733, (631) 444-0476, email: carol.hoffman@dec.ny.gov

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

The text of the adopted rule contains minor revisions that provide clarification and do not affect the substance of the rule. The Regulatory Impact Statement, Regulatory Flexibility Analysis for Small Businesses and Local Governments, Rural Area Flexibility Analysis, and Job Impact Statement that were previously published remain accurate and do not require revision.

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Emissions Limits for 2030 and 2050, as a Percentage of 1990 Levels, Required by Climate Leadership and Community Protection Act

I.D. No. ENV-33-20-00007-P

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

Proposed Action: Addition of Part 496 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, section 75-0107

Subject: Emissions limits for 2030 and 2050, as a percentage of 1990 levels, required by Climate Leadership and Community Protection Act.

Purpose: To limit greenhouse gas emissions that endanger public health and the environment.

Public hearing(s) will be held at: 2:00 p.m. and 6:00 p.m., Oct. 20, 2020 at electronic webinar.

Instructions on how to “join” the hearing webinar and provide an oral

statement will be published in the Department’s electronic Environmental Notice Bulletin (ENB), and posted on the Department’s events calendar and proposed regulations webpage by Wednesday, October 7, 2020. The Department’s ENB may be accessed at <https://www.dec.ny.gov/enb/enb.html>. The Department’s events calendar may be accessed at <https://www.dec.ny.gov/calendar/>. The proposed regulations webpage for Part 496 may be accessed at <https://www.dec.ny.gov/regulations/proproregulations.html>.

Persons who wish to receive email instructions on how to join the hearing webinar via Webex may register at <https://www.eventbrite.com/e/nysdec-hearing-webinar-re-regs-part-496-greenhouse-gas-emission-limits-registration-115516961341>. Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 496 public comment hearing.

The Department will provide interpreter services for hearing impaired persons at no charge upon written request submitted no later than October 9, 2020. The written request must be addressed to ALJ McBride, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ McBride at ohms@dec.ny.gov.

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

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

Text of proposed rule: Part 496 Statewide Emission Limits § 496.1 Purpose

This Part adopts limits on the emissions of greenhouse gases from across the State and all sectors of the State economy for the years 2030 and 2050, as a percentage of 1990 emission levels of 60 percent and 15 percent, respectively, as established in the Climate Leadership and Community Protection Act, Chapter 106 of the Laws of 2019.

§ 496.2 Applicability

This Part applies to all parts of the State and to all State agencies, offices, authorities, and divisions in the context of programs, regulations, decisions, and planning documents specified in the Climate Leadership and Community Protection Act.

§ 496.3 Definitions

For the purposes of this Part, the following definitions apply:

(a) ‘Anthropogenic greenhouse gases.’ Greenhouse gas emissions resulting from or produced by human activities.

(b) ‘Carbon Dioxide Equivalent.’ The amount of carbon dioxide by mass that would produce the same global warming impact as the given mass of another greenhouse gas over a specific time frame and as published in the IPCC assessment report.

(c) ‘Greenhouse Gas.’ Gaseous constituents of the atmosphere that absorb and emit radiation at specific wavelengths within the spectrum of terrestrial radiation emitted by the Earth’s surface, the atmosphere itself, and by clouds. For the purposes of the Part, this includes carbon dioxide, methane, nitrous oxide, perfluorocarbons, hydrofluorocarbons, and sulfur hexafluoride.

(d) ‘GWP20.’ An assessment of the Global Warming Potential of greenhouse gases over an integrated twenty-year time frame.

(e) ‘IPCC.’ Intergovernmental Panel on Climate Change.

(f) ‘IPCC assessment report.’ Appendix 8.A: Lifetimes, Radiative Efficiencies and Metric Values. Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change, pp. 731-740, available from Department of Environmental Conservation, Office of Climate Change, 625 Broadway, Albany, NY 12233- 1030.

(g) ‘Statewide Emission Limit.’ The maximum allowable level of gross statewide greenhouse gas emissions in a specified year.

(h) ‘Statewide Greenhouse Gas Emissions.’ Total annual emissions of greenhouse gases produced within the state from anthropogenic sources and greenhouse gases produced outside of the state that are associated with the generation of electricity imported into the state and the extraction and transmission of fossil fuels imported into the state, expressed in tons of carbon dioxide equivalents.

§ 496.4 Statewide Emission Limits

(a) For the purposes of this Part, the estimated level of statewide greenhouse gas emissions in 1990 is 401.38 million metric tons of carbon dioxide equivalent, using a GWP20 as provided in the IPCC assessment report.

(b) For the purposes of this Part, the table below establishes statewide emission limits for the year specified, as a percentage of estimated 1990 statewide greenhouse gas emissions of 60 percent and 15 percent, respectively, measured in millions of metric tons of carbon dioxide equivalent gas using a GWP20 as provided in the IPCC assessment report.

Year	Statewide emission limit (in million metric tons of carbon dioxide equivalent)
2030	240.83
2050	60.21

Text of proposed rule and any required statements and analyses may be obtained from: Suzanne Hagell, NYSDEC Office of Climate Change, 625 Broadway, Albany, NY 12233-3251, (518) 402-8448, email: suzanne.hagell@dec.ny.gov

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

Public comment will be received until: October 27, 2020.

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

Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/propregulations.html>):

On July 18, 2019 Governor Cuomo signed into law the Climate Leadership and Community Protection Act, Chapter 106 of the Laws of 2019 (CLCPA). Among other requirements, the CLCPA adds a new Article 75 to the Environmental Conservation Law (ECL), including ECL Section 75-0107. This section directs the Department of Environmental Conservation (the Department) to adopt regulations establishing statewide emission limits. Therefore, the Department is proposing 6 NYCRR Part 496, Statewide Greenhouse Gas Emission Limits (the “proposed rule” or “Part 496”). As called for in ECL Section 75-0107, the proposed rule will establish the two statewide greenhouse gas emission limits called for in the CLCPA: a limit for 2030 that is equal to 60% of 1990 greenhouse gas emission levels and a limit for 2050 that is equal to 15% of 1990 emission levels. Part 496 will translate the statewide percentage emission reduction requirements, as set forth in the CLCPA, into tonnage limits based on carbon dioxide equivalents.

The statewide emission limits established by the proposed rule will be the foundation for multiple components of the CLCPA and are critically important for the successful implementation of the CLCPA. For example, the Scoping Plan to be developed by the Climate Action Council must outline recommendations regarding regulatory measures and other State actions to ensure attainment of the statewide greenhouse gas emission limits. Similarly, the statewide greenhouse gas emission limits established in Part 496 will serve as the baseline for the promulgation of future regulations by the Department under the CLCPA, which the CLCPA requires to ensure compliance with the statewide emission reduction limits. ECL § 75-0109.

1. Statutory Authority

The statutory authority to promulgate this rulemaking is derived from ECL Section 75-0107, as added by the CLCPA. This section of the ECL directs the Department to promulgate a regulation that establishes statewide greenhouse gas emission limits as specified percentages of estimated 1990 emissions, expressed in tons of carbon dioxide equivalents. The adoption of Part 496 will fulfill this statutory directive.

2. Legislative Objectives

The CLCPA, as provided in ECL Section 75-0107, directs the Department to establish a statewide greenhouse gas emissions limit for the years 2030 and 2050 equal to sixty (60) percent and fifteen (15) percent of 1990 emissions, respectively. The proposed rule seeks to implement this requirement by establishing an estimate of total statewide greenhouse gas emissions in 1990, or a baseline, and then establishing emission limits as a percent of that baseline. Both the 1990 baseline and the emission limits for 2030 and 2050 are expressed in millions of metric tons of carbon dioxide equivalent.

In determining the scope of the emission sources and gases to be included in the estimation of 1990 emissions, the Department followed the requirements in Section 75-0107 and other related provisions of the CLCPA. The Department generally used protocols established by the Intergovernmental Panel on Climate Change (IPCC), which is a scientific body convened to support the United Nations Framework Convention on Climate Change (UNFCCC). To the extent the CLCPA establishes requirements that differ from the IPCC protocol, the Department followed the CLCPA provisions. Overall, the Department’s objective in developing the proposed rule was to estimate 1990 emission levels using the best and most reliable information available.

In addition to this proposed rule, which is based on an estimate of 1990 emission levels, the CLCPA requires the Department to issue an annual statewide greenhouse emissions report. ECL § 75-0105. The Department will continue to incorporate appropriate new information regarding all relevant sources as part of the annual emissions reports.

The CLCPA directs the Department to set greenhouse gases on a common scale using the carbon dioxide equivalence metric (CO₂e) and the 20-year Global Warming Potential (GWP₂₀) of each gas, which the Department derived from the IPCC Fifth Assessment Report (AR5). In addition, the CLCPA establishes that the statewide emission limit, and therein the emission reduction requirements of the CLCPA, include certain emission sources that are located outside of the State borders. ECL § 75-0101(13) defines statewide greenhouse gas emissions as including emissions associated with imported electricity and fossil fuels. The proposed rule is consistent with these statutory objectives.

Finally, the CLCPA’s 100 percent emission reduction goal, or a goal of attaining net zero emissions, is not part of the Legislature’s direction to the Department for promulgating the statewide emission limits. Hence, the proposed rule includes anthropogenic emissions, but not removals of these emissions, such as through carbon sequestration and storage in plants. A more thorough assessment of removals and net emissions from land use in New York will be included in the annual emissions reporting required by the CLCPA. The proposed rule establishes regulatory limits based on a percentage of gross 1990 emissions as opposed to net emissions, as required by the CLCPA.

3. Needs and Benefits

The CLCPA includes multiple actions that reference the statewide greenhouse gas emission limits established by this rule and therefore will rely on the data and content herein. This includes, but is not limited to, the development of a scoping plan by the Climate Action Council, the issuance of an annual statewide greenhouse gas emissions report, the promulgation of regulations, and the publishing of an implementation report by the Department. ECL §§ 75-0103, 75-0105, 75-0109, and 75-0119. The CLCPA also requires that all State agencies, offices, authorities, and divisions consider the attainment of the statewide greenhouse gas emission limits established in ECL Article 75 in considering and issuing permits, licenses, and other administrative approvals and decisions. CLCPA § 7(2).

Description of Sectoral Methods and Results

The New York State Energy Research and Development Authority (NYSERDA) has provided a regularly-updated inventory of greenhouse gas emissions in the state that follows standard IPCC protocol. As discussed, the CLCPA established certain key requirements that differ from the IPCC protocol. Hence, the Department worked with NYSERDA in 2020 to evaluate the 1990 baseline and conduct new analyses as needed for this rulemaking. New analyses were not required in all cases, as the new requirements of the CLCPA do not completely differ from the methodology historically used by NYSERDA. As such, many components of the estimates provided here are the same or similar to the previous State inventory.

Analytic methods, data sources, and results are described for each of four major IPCC sectors: Energy, Industrial Processes and Product Use (IPPU), Agriculture Forestry and Other Land Use (AFOLU), and Waste. Each section below represents a separate set of analyses and results that together form the 1990 baseline summarized in Table 1), which is used to establish the statewide greenhouse gas emission limits.

Table 1. Total Statewide Greenhouse Gas Emissions in 1990 by IPCC Sector and Gas, in GWP₂₀. Totals may not sum due to independent rounding.

Sector	MMTCO ₂ e (AR5 - 20 year GWP)						
	CO ₂	CH ₄	N ₂ O	PFCs	HFCs	SF ₆	Total
Energy	254.43	70.12	1.31	-	-	4.00	329.87
IPPU	1.67	0.00	0.00	0.90	0.02	0.01	2.60
AFOLU	0.05	13.07	4.01	-	-	-	17.13
Waste	3.03	48.25	0.50	-	-	-	51.78
Total	259.18	131.45	5.83	0.90	0.02	4.01	401.38

1. Energy

The Energy sector includes five (5) main categories: (a) Fuel Combustion, (b) Fugitive Emissions, (c) Electricity Transmission, (d) Imported Fuels, and (e) Imported Electricity. The latter two categories are not included in IPCC protocol or other governmental greenhouse gas inventories, but as described above are two key distinct requirements of the CLCPA for this rulemaking. These two categories represent an estimate of what may be referred to as the lifecycle, fuel cycle, or out-of-state upstream emissions associated with in-state energy demand and consumption.

2. Industrial Processes and Product Use (IPPU)

The Industrial Process and Product Use (IPPU) sources assessed for the 1990 baseline are organized into five (5) categories: Mineral Industry, Chemical Industry, Metal Industry, Electronics Industry, and Product Uses.

3. Agriculture Forestry and Other Land Use (AFOLU)

Under the IPCC protocol, the Agriculture Forestry and Other Land Use sector includes emission sources and removals associated with land management in four (4) categories: Livestock, Land Use, Aggregated Sources, and Other. As discussed, because the emission limit in the proposed rule is a gross rather than net limit, anthropogenic emissions are included in the proposed rulemaking, but not removals.

4. Waste

The Waste sector includes four (4) categories of emission sources: Solid Waste Disposal, Biological Treatment of Solid Waste, Waste Combustion, and Wastewater.

Stakeholder Outreach

The Department conducted pre-proposal, stakeholder outreach starting the date on which the CLCPA went into effect, or January 1, 2020, through May 2020. This included two public webinars held on February 14 and 28, 2020 to discuss the scope and key considerations of this rulemaking as well as other presentations and meetings with various stakeholders, including members of the Climate Action Council, by request. The Department also consulted with other State agencies and authorities, including NYSERDA, the Department of Transportation, the Department of Public Service, and the Department of Agriculture and Markets. The Department reviewed the feedback received in this stakeholder outreach as part of further developing Part 496.

4. Costs

The proposed rule does not impose a compliance requirement on any entity, and therefore does not directly impose any costs on any regulated entities. As explained above, the proposed rule establishes a tonnage limit on statewide greenhouse gas emissions from across the New York economy, consistent with the statutory percentage reduction limits set forth in the CLCPA. Other regulatory and non-regulatory policies will be required to ensure that these emission limits are met, as contemplated in the CLCPA. As such, while this rule does not itself impose a cost on any entity, future actions by the Department and other State agencies to implement the CLCPA will consider costs as necessary and appropriate. This includes as part of any Department rulemaking actions pursuant to the State Administrative Procedure Act.

5. Paperwork

The proposed rule does not itself impose any paperwork or reporting requirements. However, additional and separate policies may be adopted at a later date that are related to this rule. Any paperwork or reporting requirements will be assessed as part of any such future actions.

6. Local Government Mandates

The proposed rule will not create any mandates for local governments as compared to other entities.

7. Duplication

This proposal does not duplicate, overlap, or conflict with any other existing federal or State regulations or statutes. Instead, as described above, Part 496 places into regulation requirements of the CLCPA by translating the Statewide emission reduction requirements into tonnage limits for 2030 and 2050.

8. Alternatives

The Department is required to adopt statewide greenhouse gas limits in regulation per the CLCPA as set forth in ECL Section 75-0107, so it is not viable to take a no-action alternative. Alternatives to the specific methodology for estimating 1990 greenhouse gas emission levels for particular sectors, categories, or subcategories were considered by the Department on a case-by-case basis.

9. Federal Standards

There are no enforced federal rules or other restrictions for the adoption of statewide limits on greenhouse gases, regardless of whether such statewide emission limit also includes certain out-of-state emissions associated with in-state consumption. Therefore, this proposal does not result in the imposition of requirements that exceed any minimum standards of the federal government for the same or similar subject areas.

10. Compliance Schedule

The proposed rule will be effective immediately upon publication of the final rule in the State Register. However, there is no compliance schedule required by the establishment of the proposed rule because, as discussed above, the rule does not itself impose any compliance obligations on any entity. Finally, the 2030 and 2050 dates for the applicable Statewide greenhouse gas emission limits in the rule are specifically set forth in the CLCPA.

Regulatory Flexibility Analysis

1. Effect of Rule:

The New York State Department of Environmental Conservation is proposing to adopt statewide greenhouse gas emission limits per the requirements of the Climate Leadership and Community Protection Act.

2. Compliance Requirements:

The proposed rule does not impose compliance obligations on any entity.

3. Professional Services:

As there are no compliance obligations introduced by the proposed rule, there is no specific requirement or need for entities to contract for professional services in order to comply with the proposed rule.

4. Compliance Costs:

The proposed rule does not impose a compliance requirement on any entity, and therefore does not directly impose any costs on any regulated entities.

5. Economic and Technological Feasibility:

The proposed rule adopts a future, statewide limit on greenhouse gas emissions based on estimated statewide emissions levels in 1990 as required pursuant to the Climate Leadership and Community Protection Act.

6. Minimizing Adverse Impact:

The Department has determined that there are no adverse impacts from the proposed rule.

7. Small Business and Local Government Participation:

The Department conducted pre-proposal, stakeholder outreach starting the date on which the CLCPA went into effect, or January 1, 2020, through May, 2020. This included two public webinars held on February 14 and 28, 2020 to discuss the scope and key considerations of this rulemaking.

Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas:

The proposed rulemaking will apply statewide and there are no requirements in the proposed rule that would apply only to rural areas.

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

There are no reporting, record keeping or other requirements in the proposed rulemaking therefore there is no specific need for entities to contract for professional services.

3. Costs:

The proposed rule does not impose a compliance requirement on any entity, and therefore does not directly impose any costs on any regulated entities.

4. Minimizing Adverse Impact:

The Department has considered the issues and determined that Part 496 will not have an adverse impact on rural areas.

5. Rural Area Participation:

The Department conducted pre-proposal, stakeholder outreach starting the date on which the CLCPA went into effect, or January 1, 2020, through May, 2020. This included two public webinars held on February 14 and 28, 2020 to discuss the scope and key considerations of this rulemaking.

Job Impact Statement

1. Nature of Impact:

The proposed rule does not itself impose any direct impacts on the State, but future actions by the Department and other State agencies to implement the requirements of the Climate Leadership and Community Protection Act will consider these impacts as necessary and appropriate. This includes as part of any Department rulemaking actions pursuant to the State Administrative Procedure Act.

2. Categories and Numbers Affected:

The proposed rule does not impose a compliance requirement on any entity, and therefore does not directly affect any jobs.

3. Regions of Adverse Impact:

The proposed rulemaking applies statewide. There are no regions of the state where jobs or employment opportunities are expected to be adversely impacted by this rule.

4. Minimizing Adverse Impact:

As detailed above, this rule is not expected to have a significant adverse impact on jobs and employment.

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

Repeal of Section 485.1

I.D. No. ENV-33-20-00005-P

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

Proposed Action: This is a consensus rulemaking to repeal Section 485.1 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, section 72-0602

Subject: Repeal of section 485.1.

Purpose: To remove outdated and redundant references in the Department's regulations.

Text of proposed rule: Title 6 of the New York Codes, Rules, and Regulations (NYCRR) is amended as follows:

Section 485.1, entitled "Who must pay and how much," is repealed.

[Each person required to obtain a permit or certificate pursuant to the SPDES program must annually submit to the department a SPDES program fee determined as follows:

- (a) \$100 for any P/C/I facilities having a permit to discharge or discharging at an average daily rate of less than 100,000 gallons;
- (b) \$200 for P/C/I facilities having a permit to discharge or discharging at an average daily rate of 100,000 gallons or more;
- (c) \$375 for industrial facilities having a permit to discharge or discharging at an average daily rate of less than 10,000 gallons;
- (d) \$1,250 for industrial facilities having a permit to discharge or discharging at an average daily rate of between 10,000 gallons and 99,999 gallons;
- (e) \$3,750 for industrial facilities having a permit to discharge or discharging at an average daily rate of between 100,000 gallons and 499,999 gallons;
- (f) \$12,500 for industrial facilities having a permit to discharge or discharging at an average daily rate of between 500,000 and 999,999 gallons;
- (g) \$18,750 for industrial facilities having a permit to discharge or discharging at an average daily rate of between 1,000,000 and 9,999,999 gallons;
- (h) \$37,500 for industrial facilities having a permit to discharge or discharging at an average daily rate of 10,000,000 gallons or more;
- (i) \$40,000 for any power plant;
- (j) \$375 for municipal facilities having a permit to discharge or discharging at an average daily rate of less than 200,000 gallons;
- (k) \$1,875 for municipal facilities having a permit to discharge or discharging at an average daily rate of between 200,000 and 999,999 gallons;
- (l) \$7,500 for municipal facilities having a permit to discharge or discharging at an average daily rate of between 1,000,000 and 4,999,999 gallons;
- (m) \$15,000 for municipal facilities having a permit to discharge or discharging at an average daily rate of between 5,000,000 and 39,999,999 gallons;
- (n) \$37,500 for municipal facilities having a permit to discharge or discharging at an average daily rate of 40,000,000 gallons or more;
- (o) \$100 for any facility having a permit to discharge or discharging ballast no more than 1,000,000 gallons in any 24-hour period;
- (p) \$500 for any facility having a permit to discharge or discharging ballast in excess of 1,000,000 gallons in any 24-hour period;
- (q) \$50 for general permits issued pursuant to subdivision 7 of ECL 70-0117.]

Text of proposed rule and any required statements and analyses may be obtained from: Michelle Tompkins, New York State Department of Environmental Conservation, 625 Broadway, 4th Floor, Albany, NY 12233-3500, (518) 402-8221, email: Water.Regis@dec.ny.gov

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

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

Additional matter required by statute: Pursuant to Art. 8 of the Environmental Conservation Law, the State Environmental Quality Review Act, and 6 NYCRR sections 617.5(c)(25),(26),(33) the Department has determined that this rule making is a Type II action and no further review is required.

Consensus Rule Making Determination

The Department of Environmental Conservation (Department) is proposing to repeal 6 NYCRR § 485.1 – Who must pay and how much. New York State Environmental Conservation Law (ECL) Article 72 and 6 NYCRR Part 481 provide that all persons who need a permit, certificate, or approval pursuant to a state environmental regulatory program, or who are subject to regulation under a state environmental regulatory program, are required to submit an annual fee to the Department. Specifically, State Pollutant Discharge Elimination System (SPDES) program fees are articulated in ECL § 72-0602 and 6 NYCRR § 485.1.

The last time the Department updated 6 NYCRR § 485.1 was in 1991 after ECL § 72-0602 was amended in the 1989-1990 state budget. In the last 17 years, the Legislature has amended ECL § 72-0602 four times – in 2003, 2004, 2009, and 2015. However, there has been no update to 6 NYCRR § 485.1 since 1991. The Department has included an update to the SPDES program fees on its Regulatory Agenda for the last ten years.

The provisions of this proposed rule making do not involve any discretion by the Department because SPDES program fees are established and amended by the Legislature. This proposed rule making only removes the SPDES program fees from the regulations, the fees are still required pursuant to the ECL. As such, operators are required to comply with the statute and any future fee changes passed by the Legislature. The proposed repeal is necessary to avoid confusing the public with outdated references and to alleviate the need to update the regulations in the future when the

ECL is amended. For these reasons, the Department has determined that no person is likely to object to this rule making.

Job Impact Statement

A Job Impact Statement is not required for this rule making because the proposed rule making will not have a substantial adverse impact on jobs and employment opportunities. The purpose of this rule making is to repeal 6 NYCRR § 485.1 because the information is outdated and no longer accurate.

This rule making would repeal 6 NYCRR § 485.1 – “Who must pay and how much.” New York State Environmental Conservation Law (ECL) Article 72 and 6 NYCRR Part 481 provide that all persons who need a permit, certificate, or approval pursuant to a state environmental regulatory program, or who are subject to regulation under a state environmental regulatory program, are required to submit an annual fee to this Department. Specifically, State Pollutant Discharge Elimination System (SPDES) program fees are articulated in ECL § 72-0602 and 6 NYCRR § 485.1.

In the last 17 years, the Legislature has amended ECL § 72-0602 statute four times – in 2003, 2004, 2009, and 2015. However, the last time the Department updated 6 NYCRR § 485.1 was in 1991 after ECL § 72-0602 was updated in the 1989-1990 state budget. Section 485.1 has been outdated and in contradiction of the statute for nearly two decades. The Department has included an update to the SPDES program fees on its Regulatory Agenda for the last ten years. This proposed rule making only removes the SPDES program fees from the regulations, the fees are still required pursuant to the ECL. As such, operators are required to comply with the statute and any future fee changes passed by the Legislature. The proposed repeal is necessary to prevent confusing the public with outdated references and to alleviate the need to update the regulations in the future when the ECL is amended.

This rule making will not result in the loss of any jobs in New York State. Therefore, the Department has determined that a Job Impact Statement is not required.

Department of Financial Services

EMERGENCY RULE MAKING

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

I.D. No. DFS-33-20-00001-E

Filing No. 472

Filing Date: 2020-07-30

Effective Date: 2020-07-30

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

Action taken: Amendment of Part 52 (Regulation 62) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301, 3216, 3217, 3221 and 4303

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

Specific reasons underlying the finding of necessity: Governor Andrew M. Cuomo declared a state of emergency on March 7, 2020 to help New York more quickly and effectively contain the spread of the novel coronavirus (“COVID-19”). While the COVID-19 pandemic has had an immeasurable impact on all New Yorkers, the impact on essential workers, including health care workers, first responders and other frontline essential workers, has been especially difficult as they have been required to directly interact with the public while working during this public health emergency, exposing themselves and their families to incremental risks, to ensure that essential services continue to be available for all New Yorkers. For health care workers and first responders, in particular, witnessing the devastating effects of COVID-19 firsthand can take an emotional and psychological toll. This amendment prohibits authorized insurers and health maintenance organizations (collectively, “health care plans”) that provide comprehensive coverage for hospital, surgical, or medical care from imposing, and provides that no essential worker shall be required to pay, copayments, coinsurance, or annual deductibles (unless required by federal law for a high deductible health plan) for mental health services rendered by in-network providers on an outpatient basis for essential

workers. The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network mental health providers (“providers”) to ensure that the providers do not require an insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment.

Given the continued toll this crisis has had on essential workers, including health care workers, first responders and other frontline essential employees, it is essential that these workers have access to mental health services. The waiver of copayments, coinsurance, and annual deductibles for in-network mental health services rendered by in-network providers on an outpatient basis is necessary to ensure that these workers have no barriers to the care they need.

To ensure that essential workers have access to mental health services, it is imperative that this amendment be promulgated on an emergency basis for the preservation of public health and general welfare.

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

Purpose: To waive copayments, coinsurance, and annual deductibles for essential workers for in-network outpatient mental health services.

Text of emergency rule: Section 52.16(r) is added as follows:

(r)(1) *No policy or contract delivered or issued for delivery in this State that provides comprehensive coverage for hospital, surgical, or medical care shall impose, and no essential worker shall be required to pay, copayments, coinsurance, or annual deductibles for an in-network outpatient mental health service, unless the policy or contract is a high deductible health plan as defined in Internal Revenue Code section 223(c)(2), in which case the service may be subject to such plan’s annual deductible if otherwise required by federal law.*

(2) *An insurer shall provide written notification, which may include e-mail, to its in-network outpatient mental health providers that they shall not collect any deductible, copayment, or coinsurance from an essential worker in accordance with this subdivision. Such notice shall include the definition of essential worker.*

(3) *Essential worker means:*

(i) *individuals who are, or were, during the current state of emergency declared by Governor Andrew M. Cuomo on March 7, 2020, employed as health care workers, first responders, or in any position within a nursing home, long-term care facility, or other congregated care setting, including:*

- (a) *correction/parole/probation officers;*
- (b) *direct care providers;*
- (c) *firefighters;*
- (d) *health care practitioners, professionals, aides, and support staff (e.g., physicians, nurses, and public health personnel);*
- (e) *medical specialists;*
- (f) *nutritionists and dietitians;*
- (g) *occupational/physical/recreational/speech therapists;*
- (h) *paramedics/emergency medical technicians;*
- (i) *police officers;*
- (j) *psychologists/psychiatrists; and*
- (k) *residential care program managers; and*

(ii) *individuals who are, or were, during the current state of emergency declared by Governor Andrew M. Cuomo on March 7, 2020, employed as essential employees who directly interact or interacted with the public while working, including:*

- (a) *animal care workers (e.g., veterinarians);*
- (b) *automotive service and repair workers;*
- (c) *bank tellers and other bank workers;*
- (d) *building code enforcement officers;*
- (e) *childcare workers;*
- (f) *client-facing case managers and coordinators;*
- (g) *counselors (e.g., mental health, addiction, youth, vocational, and crisis);*
- (h) *delivery workers;*
- (i) *dentists and dental hygienists;*
- (j) *essential construction workers at occupied residences or buildings;*
- (k) *faith-based leaders (e.g., chaplains and clergy members);*
- (l) *field investigators/regulators for health and safety;*
- (m) *food service workers;*
- (n) *funeral home workers;*
- (o) *hotel/motel workers;*
- (p) *human services providers;*
- (q) *laundry and dry-cleaning workers;*
- (r) *mail and shipping workers;*
- (s) *maintenance and janitorial/cleaning workers;*
- (t) *optometrists, opticians, and supporting staff;*
- (u) *retail workers at essential businesses (e.g., grocery stores, pharmacies, convenience stores, gas stations, and hardware stores);*

- (v) *security guards and personnel;*
- (w) *shelter workers and homeless support staff;*
- (x) *social workers;*
- (y) *teachers/professors/educators;*
- (z) *transit workers (e.g., airports, railways, buses, and for-hire vehicles);*
- (aa) *trash and recycling workers; and*
- (bb) *utility workers.*

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires September 28, 2020.

Text of rule and any required statements and analyses may be obtained from: Tobias Len, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 486-7815, email: Tobias.Len@dfs.ny.gov

Regulatory Impact Statement

1. **Statutory authority:** Financial Services Law Sections 202 and 302 and Insurance Law Sections 301, 3216, 3217, 3221, and 4303.

Financial Services Law Section 202 establishes the office of the Superintendent of Financial Services (“Superintendent”).

Financial Services Law Section 302 and Insurance Law Section 301, in pertinent part, authorize the Superintendent to prescribe regulations interpreting the Insurance Law and to effectuate any power granted to the Superintendent in the Insurance Law, Financial Services Law, or any other law.

Insurance Law Section 3216 sets forth the standard provisions in individual accident and health insurance policies.

Insurance Law Section 3217 authorizes the Superintendent to issue regulations to establish minimum standards for the form, content and sale of health insurance policies and subscriber contracts of corporations organized under Insurance Law Articles 32 and 43 and Public Health Law Article 44.

Insurance Law Section 3221 sets forth the standard provisions in group and blanket accident and health insurance policies.

Insurance Law Section 4303 sets forth mandatory benefits in subscriber contracts issued by corporations organized under Insurance Law Article 43.

2. **Legislative objectives:** Insurance Law Sections 3216, 3217, 3221, and 4303 establish the minimum standards for the form, content, and sale of health insurance, including standards of full and fair disclosure. This amendment accords with the public policy objectives that the Legislature sought to advance in the foregoing Insurance Law provisions by prohibiting copayments, coinsurance, or annual deductibles, unless required by federal law for a high deductible health plan, for an in-network outpatient mental health service otherwise covered under the policy for an essential worker.

3. **Needs and benefits:** While the COVID-19 pandemic has had an immeasurable impact on all New Yorkers, the impact on essential workers, including health care workers, first responders and other frontline essential workers, has been especially difficult as they have been required to directly interact with the public while working during this public health emergency, exposing themselves and their families to incremental risks, to ensure that essential services continue to be available for all New Yorkers. For health care workers and first responders, in particular, witnessing the devastating effects of COVID-19 firsthand can take an emotional and psychological toll. The emotional and psychological well-being of essential workers is extremely important in the continuing fight against COVID-19. It is critical that these workers receive the mental health services they need.

This amendment provides that no policy or contract delivered or issued for delivery in this State that provides comprehensive coverage for hospital, surgical, or medical care shall impose, and no essential worker shall be required to pay, copayments, coinsurance, or annual deductibles, unless required by federal law for a high deductible health plan, for an in-network outpatient mental health service.

The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network health care providers (“providers”) in order to ensure that the providers do not require an insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment.

The Department of Financial Services (“Department”) expects every health care plan to reimburse a provider, including reimbursement for the insured’s waived copayment, coinsurance, or annual deductible, with respect to any affected claims.

Given the continued toll that this crisis has had on essential workers, including health care workers, first responders and other frontline essential employees, it is essential that these workers have access to mental health services. The waiver of copayments, coinsurance, and annual deductibles for mental health services rendered by in-network providers on an outpatient basis is necessary to ensure that these workers have no barriers to the care they need.

4. Costs: A health care plan subject to this amendment will have to assume the cost of copayments, coinsurance or permissible annual deductibles that the amendment waives for essential workers that obtain in-network outpatient mental health services.

A health care plan also may incur costs associated with providing written notification of the amendment to its in-network providers, as required by the amendment. In addition, a health care plan may incur costs if it needs to file new policy and contract forms and rates with the Department to comply with the amendment. However, such costs should be minimal because health care plans submit policy or contract form and rate filings, and provide written notifications to providers, as a part of the normal course of business.

Providers may incur costs to comply with the amendment because no essential worker shall be required to pay a copayment, coinsurance, or annual deductible, except as otherwise required by federal law with respect to a high deductible plan, for the provision of any in-network outpatient mental health services. However, any such costs should be minimal because a provider should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan with respect to any affected claims.

This amendment may impose compliance costs on the Department because the Department will need to review amended policy and contract forms and rates. However, any additional costs incurred by the Department should be minimal, and the Department should be able to absorb the costs in its ordinary budget.

5. Local government mandates: The amendment does not impose any program, service, duty or responsibility on any county, city, town, village, school district, fire district or other special district.

6. Paperwork: Health care plans are required to provide written notification to their in-network providers that the providers may not collect any deductible, copayment, or coinsurance for outpatient mental health services for essential workers. This notification may be provided electronically as part of existing communications that occur between health care plans and in-network providers. Health care plans may also need to file new policy and contract forms and rates with the Superintendent.

Providers should not incur additional paperwork to comply with this amendment.

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

8. Alternatives: There are no significant alternatives to consider.

9. Federal standards: The amendment does not exceed any minimum standards of the federal government for the same or similar subject areas. If the policy or contract is a high deductible health plan as defined in Internal Revenue Code Section 223(c)(2), in-network outpatient mental health services may be subject to the annual deductible, if otherwise required by federal law.

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

Regulatory Flexibility Analysis

1. Effect of rule: The amendment affects health maintenance organizations and authorized insurers (collectively, "health care plans") and health care providers ("providers"). The amendment provides that no policy or contract delivered or issued for delivery in this State that provides comprehensive coverage for hospital, surgical, or medical care shall impose, and no essential worker, as defined by the amendment, shall be required to pay, copayments, coinsurance, or annual deductibles, unless required by federal law for a high deductible health plan, for an in-network outpatient mental health service. The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network providers to ensure that the providers do not require an insured essential worker to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment. This notification should ensure that providers do not collect a copayment, coinsurance, or annual deductible for outpatient mental health services as prohibited by this amendment.

Industry asserts that certain health care plans subject to the amendment are small businesses. Providers also may be small businesses. As a result, certain health care plans and providers that are small businesses may be affected by this amendment.

This amendment does not affect local governments.

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

A health care plan that is a small business, if any, affected by this amendment may be subject to reporting, recordkeeping, or other compliance requirements as it will be required to provide written notification of the amendment to its in-network providers, and may need to file new policy and contract forms and rates with the Department of Financial Services ("Department") to comply with the amendment.

A provider that is a small business may be subject to reporting, recordkeeping, or other compliance requirements because no essential worker shall be required to pay a copayment, coinsurance, or annual deductible, except as otherwise required by federal law with respect to a high deductible plan, for the provision of any in-network outpatient mental health services.

3. Professional services: No local government will need professional services to comply with this amendment because the amendment does not apply to any local government. No health care plan or provider that is a small business affected by this amendment should need to retain professional services, such as lawyers or auditors, to comply with this amendment.

4. Compliance costs: No local government will incur any costs to comply with this amendment because the amendment does not apply to any local government. A health care plan that is a small business, if any, will incur costs to comply with the amendment because it will have to assume the cost of copayments, coinsurance or permissible annual deductibles that the amendment waives for essential workers who obtain in-network outpatient mental health services.

A health care plan that is a small business, if any, also may incur costs associated with providing written notification of the amendment to its in-network providers, as required by the amendment. In addition, a health care plan may incur costs if it needs to file new policy and contract forms and rates with the Department to comply with the amendment. However, such costs should be minimal because health care plans submit policy or contract form and rate filings, and provide written notifications to providers, as a part of the normal course of business.

A provider that is a small business may incur costs to comply with the amendment because no essential worker shall be required to pay a copayment, coinsurance, or annual deductible, except as otherwise required by federal law with respect to a high deductible plan, for the provision of any in-network outpatient mental health services. However, any such costs should be minimal because a provider should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan with respect to any affected claims.

5. Economic and technological feasibility: This amendment does not apply to any local government; therefore, no local government should experience any economic or technological impact as a result of the amendment. A health care plan and a provider that is a small business should not incur any economic or technological impact as a result of the amendment.

6. Minimizing adverse impact: There will be no adverse impact on any local government because the amendment does not apply to any local government. This amendment should not have an adverse impact on a health care plan or provider that is a small business because the amendment affects all health care plans and providers uniformly. In addition, a provider that is a small business should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan with respect to any affected claims.

7. Small business and local government participation: The Department of Financial Services ("Department") had notified trade associations representing health care plans that are small businesses that it intended to promulgate the amendment. Health care plans and providers that are small businesses also will have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department's website.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Authorized insurers and health maintenance organizations (collectively, "health care plans") and health care providers ("providers") affected by this amendment operate in every county in this state, including rural areas as defined by State Administrative Procedure Act Section 102(10).

2. Reporting, recordkeeping, and other compliance requirements; and professional services: A health care plan, including a health care plan in a rural area, may be subject to additional reporting, recordkeeping, or other compliance requirements because the health care plan will be required to provide written notification of the amendment to its in-network providers, and may need to file new policy and contract forms and rates with the Department of Financial Services ("Department") to comply with the amendment.

A provider, including a provider in a rural area, may be subject to reporting, recordkeeping, or other compliance requirements because no essential worker, as defined in the amendment, shall be required to pay a copayment, coinsurance, or annual deductible, except as otherwise required by federal law with respect to a high deductible plan, for the provision of any in-network outpatient mental health services.

A health care plan or provider, including a health care plan or provider in a rural area, should not need to retain professional services, such as lawyers or auditors, to comply with this amendment.

3. Costs: A health care plan, including a health care plan in a rural area,

will have to assume the cost of copayments, coinsurance or permissible annual deductibles that the amendment waives for essential workers that obtain in-network outpatient mental health services.

A health care plan may also incur costs associated with providing written notification of the amendment to its in-network providers, as required by the amendment. In addition, a health care plan may incur costs if it needs to file new policy and contract forms and rates with the Department to comply with the amendment. However, such costs should be minimal because health care plans submit policy or contract form and rate filings, and provide written notifications to providers, as a part of the normal course of business.

Providers, including those in rural areas, may incur costs to comply with the amendment, because no essential worker shall be required to pay a copayment, coinsurance, or annual deductible, except as otherwise required by federal law with respect to a high deductible plan, for the provision of any in-network outpatient mental health services. However, any such costs should be minimal because a provider should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan with respect to any affected claims.

4. Minimizing adverse impact: This amendment uniformly affects health care plans and providers that are located in both rural and non-rural areas of New York State. The amendment should not have an adverse impact on rural areas.

5. Rural area participation: The Department had notified trade associations representing health care plans that are in rural areas that it intended to promulgate the amendment. Health care plans and providers in rural areas will also have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department's website.

Job Impact Statement

This amendment should not adversely impact jobs or employment opportunities in New York State. The amendment provides that no policy or contract delivered or issued for delivery in this State that provides comprehensive coverage for hospital, surgical, or medical care shall impose, and no essential worker, as defined in the amendment, shall be required to pay, copayments, coinsurance, or annual deductibles, unless required by federal law for a high deductible health plan, for an in-network outpatient mental health service. As a result, there should be no impact on jobs or employment opportunities.

NOTICE OF ADOPTION

Corporate Governance

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

Filing No. 474

Filing Date: 2020-07-31

Effective Date: 2020-09-18

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

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

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

Subject: Corporate Governance.

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

Text or summary was published in the March 18, 2020 issue of the Register, I.D. No. DFS-11-20-00001-P.

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

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

Initial Review of Rule

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

Assessment of Public Comment

The Department of Financial Services ("Department") received comments from a trade organization representing health plans ("health trade"), a trade organization representing life insurance companies ("life trade"), a national trade organization representing property/casualty insurers ("national p/c trade"), a state trade organization representing property/casualty insurers ("state p/c trade"), and a property/casualty insurer ("p/c insurer").

Comment: The p/c insurer commented that the regulation ignores the fact that the National Association of Insurance Commissioners' ("NAIC's") Corporate Governance Annual Disclosure ("CGAD") Model Act and Model Regulation (collectively, the "Models") apply to domestic insurers and require an insurer to file its CGAD with the insurer's lead state regulator. The health trade requested that the Department add language to the regulation that states that "[n]otwithstanding any request from the Superintendent made pursuant to this Regulation, if the insurer is a member of an insurance group, the insurer shall submit the report required by this Regulation to the Commissioner of the lead state for the insurance group, in accordance with the laws of the lead state, as determined by the procedures outlined in the most recent Financial Analysis Handbook adopted by the NAIC."

The p/c insurer also commented that the regulation circumvents the directives of the Models by requiring the information set forth in a CGAD filed with the Superintendent of Financial Services to be comparable to the information required by the regulation. The health trade, p/c insurer, and national p/c trade noted that there are requirements in the regulation that go beyond the requirements of the Models that the Department should remove. The p/c insurer requested that the Department permit an insurer that files a CGAD with the regulator of its domiciliary state to submit, upon request, the same copy to New York without the additional expense of tendering a second submission to New York.

Response: The Models do not have the force of law and do not bind states. To the extent that a state chooses to adopt the Models because they are an NAIC accreditation standard, the Models are "floors" and not "ceilings." Thus, there is nothing that prevents the regulation from applying to all authorized insurers, rather than just domestic insurers, or from requiring additional information. To the extent the regulation requires information that is not required in the Models, an insurer still may submit a CGAD filed with another state and merely needs to add to that CGAD the additional information that is required by the regulation.

Moreover, as stated in the alternatives section of the regulatory impact statement for the regulation, the Department decided not to adopt the lead state concept because the Department believes it would be an impermissible delegation of authority to require an insurer to submit a report to another state. In addition, the Department has met resistance from both insurers and other state regulators when requesting copies of certain reports filed by insurers in other states.

Therefore, the Department did not make any changes in response to these comments.

Comment: The p/c insurer and national p/c trade commented that the regulation does not include the confidentiality provision set forth in the NAIC's Model Act and requested that the Department consider including that provision in the regulation. The state p/c trade commented that it was surprised that New York is not seeking to pass the NAIC Model Act via legislation and recommended that the Department do so in order to include the confidentiality provision that is set forth in the Model Act. The p/c insurer and national p/c trade stated that the confidentiality protection provided under Insurance Law § 1504(c) alone is inadequate for CGAD filings because that section does not treat filings as being proprietary and as containing trade secrets and does not exempt filings from the Freedom of Information Law ("FOIL").

Response: Public Officers Law Article 6 sets forth FOIL and Public Officers Law § 87(2) requires an agency to make available records unless those records, or any portion thereof, fall within one of the exceptions to disclosure set forth in that section, such as if the records are specifically exempted from disclosure by state statute, or if the records are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise. As a preliminary matter, Insurance Law § 1504(c) is a state statute that exempts a record from disclosure under Public Officers Law § 87(2) and an insurer may always request trade secret protection under Public Officers Law § 87(2) when it submits a record to the Department.

However, being exempted from disclosure by a state regulation is not one of the exceptions to disclosure in Public Officers Law § 87(2). Thus, the regulation may not create confidentiality and override the Public Officers Law by regulation.

As discussed in the regulatory impact statement for the regulation, the Department believes it currently has statutory authority to promulgate this regulation and that a legislative amendment to the Insurance Law is not necessary. In addition, contrary to the claims of the state p/c trade, the confidentiality provision set forth in Insurance Law § 1504(c) and the trade secret exception set forth in Public Officers Law § 87(2)(d) should provide enough confidentiality protection to the extent anything in a CGAD is confidential.

The Department did not make any changes in response to these comments.

Comment: The national p/c trade recommended amending

§ 90.3(a)(v)(f) and (g) of the regulation by replacing “ensures” with “seeks to ensure” because insurers do not have actual control over the actions or inactions of their directors. Accordingly, insurers cannot “ensure” that directors comply with their fiduciary duties of acting in good faith and with reasonable care.

Response: While it is understood that insurers cannot completely ensure that directors comply with their fiduciary duties of acting in good faith and with reasonable care, changing “ensure” to “seeking to ensure” sounds like insurers have a lesser responsibility, especially since the regulation and the Model Regulation use “ensures” in other places. Therefore, the Department did not make any changes to the regulation in response to this comment.

Comment: The life trade requested that the Department eliminate the first CGAD filing for December 1, 2020 and instead require that the first report be due by June 1, 2021 because the current circumstances relating to the COVID-19 pandemic have been challenging for the Department and insurers.

Response: While the Department understands that the current COVID-19 pandemic has been challenging for everyone, the Department believes that insurers have had more than enough notice that the first CGAD filing would be due this year, especially since it became an NAIC accreditation standard as of January 1, 2020. As a result, the Department did not make any changes to the regulation in response to this comment.

Comment: The health trade requested that the Department revise the regulation to expressly state that the regulation does not apply to a health maintenance organization (“HMO”) certified pursuant to Public Health Law Article 44.

Response: The regulation defines “insurer” as “an insurer authorized to do an insurance business in this State, including a domestic corporation organized pursuant to Insurance Law article 43.” This definition does not include an HMO and the Department does not believe it is necessary to amend the regulation to explicitly state as much. Thus, the Department did not make any changes to the regulation in response to this comment.

Comment: The health trade requested “that this new requirement replace current and redundant document requests.”

Response: It is unclear what “current and redundant document requests” the health trade is suggesting that the regulation replace. Since the health trade is not requesting a change to the regulation, the Department did not make a change in response to this comment.

Comment: The state p/c trade expressed its appreciation that the regulation places significance on the corporate governance framework being appropriate for each regulated entity. The state p/c trade explained that it thinks the requirements allowing for flexibility based on the needs of each individual insurer are crucial and encouraged the Department to adopt corresponding policies and procedures in relation to compliance with this regulation to ensure that each company has the ability to create a corporate governance framework suited to its individual circumstances.

Response: The Department will take the recommendation under consideration. Since the state p/c trade did not suggest a change to the regulation, the Department did not make a change to the regulation to address this comment.

Text of proposed rule: Section 5400.2 of Title 9 NYCRR would be amended to read as follows:

§ 5400.2. Appeals of denial of access to records.

(b) The appeal must be made within 30 days of the denial of access, as required by *Public Officers Law section 89(4)(a)*.

(d) The records access appeals officer shall, within [seven] 10 business days of the receipt of a written appeal, review the matter and affirm, modify or reverse the denial, as required by *Public Officers Law section 89(4)(a)*.

(f) If the records access appeals officer affirms or modifies the denial, the records access appeals officer shall communicate his or her reasons in writing by either first class mail or [certified mail, return receipt requested] *electronic mail, if the person making the appeal has provided an electronic mail address, to the person making the appeal and inform such person of such person’s right of judicial appeal.*

Section 5400.3 would be added to Title 9 NYCRR to read as follows:

§ 5400.3. *Protection of records containing trade secrets, confidential commercial information and critical infrastructure.*

(a) *The records access officer may deny access to records or portions of records that constitute trade secrets; that are maintained for the regulation of a commercial enterprise and, if disclosed, would cause substantial injury to the competitive position of the subject enterprise; or that constitute critical infrastructure information.*

(1) *For purposes of this section, trade secret means information of a commercial enterprise:*

(i) *that is not generally published or divulged;*

(ii) *that gives such commercial enterprise an opportunity to obtain an advantage over competitors who do not know or use it; and*

(iii) *the disclosure of which would:*

(a) *cause substantial injury to the competitive position of the commercial enterprise; or*

(b) *if openly disclosed, permit an unfair advantage to competitors of the subject enterprise, including any record including, without limitation: any proprietary data concerning past, present or planned future distribution, sales volumes, costs, or prices; customer or client lists; devices; processes or plans; formulas; patterns; procedures; studies; analyses, plans, and surveys; compounds; cost records; and compilations of information and other confidential or proprietary information.*

(2) *For purposes of this section, critical infrastructure means systems, assets, places or things, whether physical or virtual, so vital to the State that the disruption, incapacitation or destruction of such systems, assets, places or things could jeopardize the health, safety, welfare or security of the State, its residents or its economy.*

(b) *A person may, at the time of submission of a record to the commission, request that the commission designate all or a portion of such record as a trade secret and that the commission except such record from disclosure pursuant to Public Officers Law sections 87(2)(d) and 89(5)(a)(1). A person may, at any time, request that the commission designate all or a portion of such record as critical infrastructure information and that the commission except such record from disclosure pursuant to Public Officers Law section 87(2) and 89(5)(a)(1-a). The record for which a trade secret designation is sought shall be labeled using such words as “trade secret,” “confidential,” “proprietary information” or words of similar import. Such request shall be in writing, identify the record for which a designation and exception from disclosure is being requested, and state the reasons why the information should be excepted from disclosure. Requests for designation and exception from disclosure of trade secrets shall indicate, if appropriate:*

(1) *the specific record requested to be considered a trade secret, including, where applicable, the page, form, line, chart or table designation;*

(2) *the confidential nature of the record, including a description of the nature and extent of the injury to the commercial enterprise’s competitive position, such as unfair economic or competitive damage, that would be caused if the record is disclosed;*

(3) *whether the record is treated as confidential by the commercial enterprise, including whether the record has been made available;*

(4) *whether any patent, copyright or similar legal protection exists for the record;*

(5) *whether the public disclosure of such record is otherwise restricted by law, and the specific source and contents of such restrictions;*

(6) *the date upon which such record will no longer need to be kept confidential, if applicable;*

New York State Gaming Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Agency Rule for the Protection of Trade Secrets Submitted to the Gaming Commission

I.D. No. SGC-33-20-00006-P

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

Proposed Action: Amendment of section 5400.2; and addition of section 5400.3 to Title 9 NYCRR.

Statutory authority: Public Officers Law, section 87(4)(a); Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

Subject: Agency rule for the protection of trade secrets submitted to the Gaming Commission.

Purpose: To prescribe the manner of safeguarding against any unauthorized access to records containing trade secrets.

(7) whether the request itself constitutes a record that, if disclosed, would defeat the purpose for which trade secret status is sought;

(8) whether the record is known outside of the business of the submitting commercial enterprise and the extent to which the record is known by its employees and others involved in the business of the commercial enterprise;

(9) the value of the record to the commercial enterprise and to its competitors;

(10) the amount of effort or money expended by the commercial enterprise in developing the records;

(11) the ease or difficulty with which the record could be properly acquired or duplicated by others; and

(12) any other factors considered relevant.

(c) When a record is submitted to the commission that a commercial enterprise deems to be a trade secret or to include critical infrastructure information, the record shall be exempted from disclosure. Each of the directors of the divisions of the commission, or their designees, shall be responsible for the custody of such records. Each commission employee who has custody of records containing designated trade secrets or critical infrastructure information shall take appropriate measures to safeguard such records and to protect against unauthorized disclosure. Records containing designated trade secrets or critical infrastructure information may be copied, distributed and evaluated only as required by authorized employees involved in the proper conduct of their State duties.

(d) On the initiative of the commission at any time, or upon the written request of any person for access to a record to which trade secret or critical infrastructure information status pursuant to subdivision (b) of this section has been granted or is pending, the commission shall follow the determination procedure set forth in Public Officers Law section 89(5).

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

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

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

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

Regulatory Impact Statement

1. **STATUTORY AUTHORITY:** The New York State Gaming Commission (“Commission”) is authorized to promulgate this rule by Racing, Pari-Mutuel Wagering and Breeding Law (“Racing Law”) Sections 103(2), 104(1, 19) and Public Officers Law 87(4)(a).

Racing Law Section 103(2) authorizes the Commission to carry out responsibilities relating to the regulation and enforcement of gaming. Racing Law Section 104(1) provides the Commission with general jurisdiction over all gaming activities within the State and over any person, corporation or association engaged in such activities. Racing Law Section 104(19) authorizes the Commission to promulgate any rules it deems necessary to carry out its responsibilities. Public Officers Law 87(4)(2) requires each state agency that maintains records containing trade secrets to promulgate regulations in conformity with the provisions of Section 89(5) of the Public Officers Law.

2. **LEGISLATIVE OBJECTIVES:** As prescribed by the Legislature under the provisions of the Freedom of Information Law, this rulemaking will ensure the people’s right to know the process of governmental decision-making by the Commission and permit the review of documents and statistics leading to determinations made by the Commission and simultaneously provide the manner of safeguarding against any unauthorized access to records maintained by the Commission that contain trade secrets or critical infrastructure. The proposed amendment conforms the time to determine records access appeals within the agency to the time prescribed by statute, allows for the delivery of appeal decisions by electronic mail and adds cross-references to statutory requirements.

3. **NEEDS AND BENEFITS:** This rulemaking is necessary to ensure the Commission has rules and regulations that address the safeguarding of records containing trade secrets or critical infrastructure as required by statute. The proposed rule prescribes the manner in which the agency will safeguard against any unauthorized access to records containing trade secrets submitted to the agency. The proposal also conforms the time to determine records access appeals within the agency to the time prescribed by statute, allows for the delivery of appeal decisions by electronic mail and adds cross-references to statutory requirements.

4. **COSTS:**

a. Costs to regulated parties for the implementation and continuing compliance with the rule: There are no costs to the regulated parties.

b. Costs to the regulated agency, the State, and local governments for

the implementation and continuation of the rule: There are no costs to local government because this rule applies to the Commission only. Costs to the Commission are minimal and are already included in the FOIL review process. This will add a step of notifying a person or entity in regard to trade secrets, which the Commission has previously done in keeping with the parameters Public Officers Law.

c. Sources of cost evaluations: The Commission evaluated the impact of the new rule.

5. **LOCAL GOVERNMENT MANDATES:** The proposed rulemaking applies only to the Commission and does not impose any new programs, services, duties or responsibilities upon any country, city, town, village school district, fire district or other special district.

6. **PAPERWORK:** The Commission will be required to contact any person or entity that has a trade secret or critical infrastructure information on file with the Commission when the Commission receives a request to disclose that information under FOIL. The person or entity will be required to provide documentation to the Commission informing it that information provided to the Commission contains trade secrets or critical infrastructure.

7. **DUPLICATION:** There are no relevant State programs or regulations that duplicate, overlap or conflict with the proposed rule. All state agencies are required to have rules prescribing procedures for maintaining and safeguarding trade secrets.

8. **ALTERNATIVES:** No other alternatives were considered. Public Officers Law 87(4)(2) requires each state agency that maintains records containing trade secrets to promulgate regulations in conformity with the provisions of Section 89(5) of the Public Officers Law. Because the Commission maintains records containing trade secrets, the Commission is required by statute to promulgate this rule.

9. **FEDERAL STANDARDS:** The proposed rule does not exceed any minimum standards imposed by the federal government.

10. **COMPLIANCE SCHEDULE:** The Commission will be able to implement this process immediately upon adoption.

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

The proposed rule and amendment will not have any adverse impact on small businesses, local governments, jobs or rural areas. This rule is being promulgated pursuant to paragraph (a) of subdivision 4 of section 87 of the Public Officers Law (Freedom of Information Law) and pertains to the protection of records containing trade secrets or critical infrastructure provided to the NYS Gaming Commission. The proposed amendment conforms the time to determine records access appeals within the agency to the time prescribed by statute, allows for the delivery of appeal decisions by electronic mail and adds cross-references to statutory requirements.

The proposed rulemaking does not impact local governments and will not have an adverse impact on small businesses.

The proposed rulemaking imposes no adverse impact on rural areas. The rule applies uniformly throughout the state.

The proposed rulemaking will have no adverse impact on job opportunities.

The proposed rulemaking will not adversely impact small businesses, local governments, jobs or rural areas. Accordingly, a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not required and have not been prepared.

Hudson River Park Trust

NOTICE OF ADOPTION

Proposed Action Is the Amendment of Rules and Regulations for Hudson River Park

I.D. No. HPT-19-20-00011-A

Filing No. 475

Filing Date: 2020-07-31

Effective Date: 2020-10-01

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

Action taken: Repeal of sections 751.2, 751.5; renumbering of sections 751.1, 751.3, 751.4, 751.6, 751.7, 751.8 to 751.01-751.06; addition of section 751.07; and amendment of new sections 751.01-751.06 of Title 21 NYCRR.

Statutory authority: Hudson River Park Act, L. 1998, ch. 592

Subject: Amendment of rules and regulations for Hudson River Park.

Purpose: To create a new penalty schedule for the enforcement of violations of Park rules.

Substance of final rule: Section numbers are modified from 751.1 to 751.01, etc. Former Section 751.2 on Variance has been moved to be a new subparagraph (e) in Section 751.01 and former Section 751.5 on Permits has been moved to be a new subparagraph (b) in Section 751.03. Section numbers that follow are renumbered in their current order.

Very minor changes to wording that do not change the substance of the rule have been made throughout the proposed rules and language that sets out criteria or other factors for review has been clarified to state that such criteria or factors “include but are not limited to”.

The following definitions under Section 751.02 are modified: In Authorized swimming and wading area, the name of the NYC Department of Health is amended to include Mental Hygiene. Environmental Control Board is amended to refer to the Office of Administrative Trials and Hearings (“OATH”) pursuant to chapter 45-a of the New York City Charter. General Project Plan is amended to cite to the actual General Project Plan dated July 16, 1998. Hudson River Park is redefined to clarify that the southern boundary is the northern seawall of Battery Park City, the eastern boundary is the western border of the Route 9A bikeway/Greenway, and the western boundary is the U.S. pierhead line.

Section 751.03(b) on Permits is modified as follows: Subparagraph (1) adds language that clarifies the issuance of a permit does not create a property right and such permits are terminable at will by the Trust. Subparagraph (2)(v) clarifies that the Trust may prohibit vehicles from driving or parking within the Park. Subparagraph (2)(vii) revises language regarding duty of permittees to restore the site after an event. Subparagraph (7) on insurance and subparagraph (13) on liability are modified to remove the Executive Department, New York City Region of State Parks, Recreation and Historic Preservation Commission and the City of New York Department of Parks and Recreation as additional insureds and indemnitees. Subparagraph (9) provides that the Trust will issue a permit in 30 days instead of 20 days of receipt of a complete application to be consistent with other rule sections that provide a 30-day review period. Subparagraph (14) has been revised to correct the phone number for reporting accidents or other incidents that occur in the Park.

Section 751.03(e) on Penalties is amended to refer to the new Section 751.07 penalty schedule added to the Trust rules and to the jurisdiction of OATH to hear such claims of violations of the Trust rules.

The last paragraph of Section 751.03(g) regarding demonstration permits has been moved to be a new subparagraph (h) entitled Demonstration permit fees.

Section 751.04 on Prohibited activities and uses is modified as follows: Language is added to inform the public that violators of the Trust rules will be subject to a civil penalty pursuant to the new penalty schedule at Section 751.07. Subparagraph (a) is amended to clarify that no property or equipment on or within the Park can be destroyed. The prohibition in subparagraph (b)(1) against destroying trees, plants, flowers, shrubs under subparagraph (b)(1) is separated into two separate sub-subparagraphs (i) and (ii). Subparagraph (c)(4) is revised to state that the disposal of abandoned property will be disposed of pursuant to law. Subparagraph (e) adds drones to the list of prohibited aviation uses and also clarifies that helicopter usage as needed by first responders is permitted. Subparagraph (g) expands and clarifies the types of abuse against animals that are prohibited in the Park. Subparagraph (m)(3) changes the word “charge” to “fee.” Subparagraph (q) adds hammocks tied to trees as a prohibited use. Subparagraph (v) clarifies that electronic cigarettes are also banned from the Park.

Section 751.05 on Regulated uses is modified as follows: Language is added to inform the public that violators of the Trust rules will be subject to a civil penalty pursuant to the new penalty schedule at Section 751.07. Subparagraph (a) is revised to clarify that events cannot significantly interfere with ordinary park use without a permit from the Trust. Subparagraph (i) clarifies that bicycle riding may only occur on designated service roads, access roads, and driveways used by motor vehicles within the Park or on the adjacent Greenway that is outside of the Park and is part of NYS Route 9A. Subparagraphs (o)(3) and (r)(2) clarify that in-line skates, roller skates, skateboards, and scooters may only be used on Park roads, areas designated for such use in the Park, and on the adjacent NYS Route 9A Greenway. Subparagraph (q) has been revised to include new sub-subparagraph numbers.

Section 751.06 on Boating is modified as follows: The term “State” is added before “Department of Motor Vehicles”.

A new section 751.07 on Civil Penalties is added that creates a new penalty schedule for violations of Trust rules, which penalty amounts range from \$25 to \$500 depending on type of violation. The penalty schedule is similar to the schedule that has been used by OATH to enforce violations of Trust rules, and which schedule will be rescinded upon final adoption of

the Trust amendments that adopts the Trust’s penalty schedule. Penalties would continue to be recovered in a proceeding by the Office of Administrative Trials and Tribunals pursuant to Chapter 21, section 533(a)(9-b) of the New York City Charter.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 751.3(h), 751.07(a) and (b).

Text of rule and any required statements and analyses may be obtained from: Christine Fazio, Hudson River Park Trust, 353 West St., Pier 40, Suite 201, New York, NY 10014, (212) 627-2020, email: cfazio@hrpt.ny.gov

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

A revised regulatory impact statement (RIS), a revised regulatory flexibility analysis (RFA), a revised rural area flexibility analysis (RAFA), and a revised job impact statement (JIS) are not required for this rulemaking adoption because it will not adversely affect small businesses, local governments, rural areas or jobs.

It is evident from the nature of the proposed rule and the nonsubstantive changes made, that the adopted rule will have no adverse impact on job opportunities or job development, no adverse economic impact on rural areas or reporting, recordkeeping, or other compliance requirements on public or private entities in rural areas, or other compliance requirements upon small businesses or local governments. The amendments and nonsubstantive changes involve minor wording and section heading numbering changes to the existing Hudson River Park rules, which outline permitted and prohibited uses and activities within the upland and water areas of Hudson River Park, and the adoption of a penalty schedule that conforms with the New York City Criminal Justice Reform Act and existing penalty schedules used in other parks throughout New York City.

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2025, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

During the Trust’s public comment period, the Trust received three written comments:

- One comment from the Office of Administrative Trials and Hearings (“OATH”) suggested two minor edits to the text of the rules.
- A comment from an individual noted that there is no designated Park about walkers and joggers staying off the bikeway adjacent to the Park and recommended that the Trust’s regulations prohibit pedestrians from using the bikeway.
- The third comment was from the New York City Department of Parks and Recreation (“NYC Parks”). As the NYC Parks Enforcement Patrol (“PEP”) enforces the Trust’s rules within Hudson River Park, NYC Parks requested that the Trust ensure that its rules are as consistent as possible with the rules of NYC Parks found in Title 56 of the Rules of the City of New York (“NYC Parks Rules”).

Hudson River Park Trust Responses:

Edits to Text:

The Trust agrees with the minor edits suggested by OATH that corrects a citation to the New York City Charter and corrects the full name of OATH to be the “Office of Administrative Trials and Hearings Environmental Control Board” and the Trust has incorporated these minor edits in the final rule.

Bikeway:

The bikeway is not within the Park’s boundaries and therefore is not covered under the Trust’s rules for the Hudson River Park. The bikeway is owned by the NYS Department of Transportation and is part of Route 9A. The Trust’s understanding is that the bikeway was funded and built as an alternative transportation corridor and that it therefore cannot currently be limited to bicycles or wheeled vehicles alone.

Rules Consistency with NYC Parks Rules:

The Trust agrees with this comment and has strived to increase the consistency in preparing the proposed amendment with the NYC Parks Rules as much as possible. Further, pursuant to Section 533(a)(9) of the New York City Charter, PEP can enforce NYC Parks Rules on property under the jurisdiction of the Trust, provided the Trust has entered into an agreement to provide protection of such property. The Trust is currently under such an agreement with NYC Parks to provide Park Enforcement Patrol security services and thus PEP officers likely will continue to issue summons under NYC Parks Rules as permitted under the New York City Charter and in the contract between the Trust and NYC Parks.

Office of Mental Health

NOTICE OF ADOPTION

Clinic Treatment Plans

I.D. No. OMH-18-20-00003-A

Filing No. 473

Filing Date: 2020-07-31

Effective Date: 2020-08-19

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

Action taken: Amendment of section 599.10 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 7.07(c), 7.09, 31.04, 43.01; Social Services Law, sections 364 and 364-a

Subject: Clinic Treatment Plans.

Purpose: To provide more flexibility in the development and execution of an individual's treatment plan.

Text of final rule: Section 599.10 Treatment planning.

(a) Treatment planning is an ongoing process of assessing the mental health status and needs of the individual, establishing his or her treatment and rehabilitative goals, and determining what services may be provided by the clinic to assist the individual in accomplishing these goals. The treatment planning process includes, where appropriate, a means for determining when the individual's goals have been met to the extent possible in the context of the program, and planning for the appropriate discharge of the individual from the clinic. The treatment planning process is a means of reviewing and adjusting the services necessary to assist the individual in reaching the point where he or she can pursue life goals such as employment or education, without impediment resulting from his or her illness.

(b) *For recipients who are Medicaid Fee-for-service beneficiaries, the initial treatment plan shall be completed not later than 30 days after admission. For any other payer or plan, initial treatment plans shall be completed pursuant to such other payer or plan's requirement as shall apply.*

[(b)](c) The treatment plan shall include identification and documentation of the following:

(1) the recipient's designated mental illness diagnosis or a notation that the diagnosis may be found in a specific assessment document in the recipient's case record;

(2) the recipient's needs and strengths;

(3) the recipient's treatment and rehabilitative goals and objectives and the specific services necessary to accomplish those goals and objectives, as well as their projected frequency and duration;

(4) the name and title of the recipient's primary clinician in the program, and identification of the types of personnel who will be furnishing services; [and]

(5) [criteria for determining when the recipient should be discharged from the program;] *the recommended and agreed upon clinic treatment service and the projected frequency and duration for each service;*

(6) *where applicable, documentation of the need for the provision of off-site services, special linguistic arrangements, or determination of homebound status; and*

[(c)](7) *the signature of the treating clinician, as appropriate.* [The treatment plan for recipients receiving services reimbursed by Medicaid on a fee-for-service basis shall be signed by a psychiatrist or other physician, and shall include a projected schedule for service delivery and the projected frequency and duration of each type of planned therapeutic session or encounter.] *For recipients who are Medicaid Fee-for-service beneficiaries, treatment plans shall be signed by a psychiatrist or other physician. For all other payers or plans, treatment plans containing prescribed medications shall be signed by a psychiatrist, other physician or nurse practitioner in psychiatry and treatment plans which do not contain prescribed medications shall be signed by a psychiatrist, other physician, licensed psychologist, nurse practitioner in psychiatry, licensed clinical social worker, or other licensed practitioner to the extent permitted by such other payer or plan's requirements.*

(d) *Treatment plans shall be reviewed no less frequently than annually based on the date of admission or additionally as determined by the recipient's treating clinician. Treatment plan reviews shall include the input of relevant staff, as well as the recipient, family members and collaterals, as appropriate. The Treatment Plan Review may be documented in progress notes and shall include the following:*

(1) *assessment of the progress of the recipient in regard to the mutually agreed upon goals in the treatment plan;*

(2) *adjustment of goals and treatment objectives, time periods for achievement, intervention strategies or initiation of discharge planning, as appropriate; and*

(3) *determination of continued homebound status, where appropriate.*

(e) *Treatment plans shall be updated when new services are added, service intensity is increased or as necessary as determined by the recipient's treating clinician. When the treatment plan is updated the treating clinician as appropriate, pursuant to paragraph (7) of subdivision (c) of this section, shall sign the updated treatment plan. All other changes to information in the treatment plan shall only require the treating clinician's signature and may be recorded in progress notes.*

(f) *Recipient participation in the treatment planning process, including initial treatment planning and treatment plan reviews, shall be documented by notation in the record of the participation of the recipient or of the person who has legal authority to consent to health care on behalf of the recipient, or, in the case of a child, of a parent, guardian, or other person who has legal authority to consent to health care on behalf of the child, as well as the child, where appropriate. The recipient's family and/or collaterals may participate as appropriate in the development of the treatment plan. Collaterals participating in the development of the treatment plan shall be specifically identified in the plan. [Recipient participation in treatment planning shall be documented by the signature of the recipient or the signature of the person who has legal authority to consent to health care on behalf of the recipient, or, in the case of a child, the signature of a parent, guardian, or other person who has legal authority to consent to health care on behalf of the child, as well as the child, where appropriate, provided, however, that the lack of such signature shall not constitute noncompliance with this requirement if the reasons for non-participation by the recipient are documented in the treatment plan. The recipient's family and/or collaterals may participate as appropriate in the development of the treatment plan. Collaterals participating in the development of the treatment plan shall be specifically identified in the plan.]*

[(g)] Treatment plans shall be completed not later than 30 days after admission, or for services provided to a recipient enrolled in a managed care plan which is certified by the Commissioner of the Department of Health or commercial insurance plan which is certified or approved by the Superintendent of the Insurance Department, pursuant to such other plan's requirement as shall apply.]

[(h)] The treatment plan shall include, where applicable, documentation of the need for the provision of off-site services, special linguistic arrangements, or determination of homebound status.]

[(i)] Treatment plans shall be reviewed and updated as necessary based upon the recipient's progress, changes in circumstances, the effectiveness of services, or other appropriate considerations. Such reviews shall occur no less frequently than every 90 days, or the next provided service, whichever shall be later. For services provided to a recipient enrolled in a managed care plan which is certified by the Commissioner of the Department of Health or commercial insurance plan which is certified or approved by the Superintendent of the Insurance Department, treatment plans may be reviewed pursuant to such other plan requirement as shall apply. Treatment plan reviews shall include the input of relevant staff, as well as the recipient, family members and collaterals, as appropriate.]

[(j)] The periodic review of the treatment plan shall include the following:

(1) *assessment of the progress of the recipient in regard to the mutually agreed upon goals in the treatment plan;*

(2) *adjustment of goals and treatment objectives, time periods for achievement, intervention strategies or initiation of discharge planning, as appropriate;*

(3) *determination of continued homebound status, where appropriate; and*

(4) *for recipients receiving services reimbursed by Medicaid on a fee-for-service basis, the signature of the physician. For recipients receiving services that are not reimbursed by Medicaid on a fee-for-service basis, the signature of the physician, licensed psychologist, LCSW, or other licensed individual within his/her scope of practice involved in the treatment.]*

[(k)](g) Progress notes shall be recorded by the clinical staff member(s) who provided services to the recipient upon each occasion of service. These notes must summarize the service(s) provided, update the recipient's progress toward his or her goals, and include any recommended changes to the elements of the recipient's treatment plan. The progress notes shall also document the date and duration of each service provided, the location where the service was provided, whether collaterals were seen, and the name and title of the staff member providing each service. The need for complex care management and the actions taken by the clinic in response to this need shall also be recorded in the progress notes.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 599.10(e).

Text of rule and any required statements and analyses may be obtained from: Sara Paupini, Office of Mental Health, 44 Holland Avenue, Albany, NY 12208, (518) 474-1331, email: sara.paupini@omh.ny.gov

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

A revised Regulatory Impact Statement Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, and Job Impact Statement are not required because the changes made to the last published rule do not necessitate revision to the previously published document. The changes to the text are not substantial, do not change the meaning of any provision and therefore do not change any statements in the document.

Initial Review of Rule

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

Assessment of Public Comment

Comment 1: A commenter representing a not-for-profit organization operating an outpatient Article 31 Clinic, provided support for the proposed rule.

Response: Comment is in support of the rule, no agency response required.

Comment 2: A commenter provided support for the proposed changes but expressed concern relating to the duration of the treatment plan. The commenter encouraged short term therapy and felt extended treatment plans would not promote motivation to achieve treatment plan goals. A second commenter noted that there are often challenges with clients understanding when they have achieved their treatment goals and have a difficulty disengaging in the therapy despite reporting a reduction in symptoms and utilization of techniques to manage their symptoms.

Response: The comment was reviewed by the agency. Additional information will be provided through guidance. OMH does not support the recommended suggestion, the regulation is intended to reflect minimum standards.

Comment 3: A commenter expressed support for the following proposed changes: Extending the required timeframe for review of treatment plans from every 90 days to annually; Removing the requirement for the treatment plan to be signed by the appropriate practitioner, instead only requiring the appropriate practitioner to sign the treatment plan when new services are added, service intensity is increased, or as necessary as determined by the treating clinician; Removing the requirement to include criteria for determining when the recipient should be discharged from the program in the treatment plan; Allowing other licensed practitioners to sign off on the treatment plan for individuals enrolled in Medicaid managed care or commercial plans (if also permitted by the plan) when the treatment plan does not contain prescribed medications; Removing the requirement to document the recipient's participation in treatment planning with their signature and/or the signature of their legal guardian, instead only requiring documentation of participation via a notation in the recipient's record.

Response: Comment is in support of the rule, no agency response required.

Comment 4: An organization responded on behalf of its membership indicating a favorable response. The comment stated the proposed annual review allowed for the client and the therapist to set the pace for goals and objectives to be achieved and the change in signatures on all other payers or plans outside of Medicaid, would allow for additional providers to be involved. The membership felt the proposed rule would reduce barriers to treatment by freeing up clinical leadership to provide direct intervention and oversight as opposed to administrative approvals as client conditions & goals do not routinely change radically in three-month period. The comment noted the proposed change would allow the clinician to treat the patient, not the record and would greatly improve the clinic's ability to serve clients. The proposed rule was expected to reduce unnecessary paperwork and these regulation changes would greatly improve access to psychiatry.

Response: Comment is in support of the rule, no agency response required.

Comment 5: A behavioral health and social service provider commented in support of the proposed rule. Specifically they expressed support for the annual treatment plan and streamlining the required signature process. Further, the comment noted that the changes proposed would enable providers to use psychiatrist time for duties which may only be fulfilled by a physician, which is especially important during professional shortages.

Response: Comment is in support of the rule, no agency response required.

Comment 6: A clinician expressed support for the proposal which would streamline the treatment plan and reflect the true weekly record of a

patient's life and recovery found in progress notes. The commenter also advocated for an amendment to permit Psychiatric Nurse Practitioner signatures to stand alone on treatment plans without co-signatures by Physicians.

Response: To the extent the comment is in support of the rule, no response is required. To the extent the comment expands the language of the regulation, the agency will take into consideration the amendment for future regulatory reform.

Comment 7: A therapist expressed support of proposed changes to the frequency of treatment plan reviews. Reducing the amount of reviews would provide practitioners with significantly more time to focus on patient care and preparing resources for sessions, which would greatly benefit the at risk population with the commenter serves.

Response: Comment is in support of the rule, no agency response required.

Comment 8: A commenter agreed with the proposed changes, particularly in relation to reducing the frequency of treatment plan updates. The commenter did not find that doing these every three months necessarily improved the quality of care provided. On the contrary, the amount of paperwork that clinicians are responsible for is time consuming and in some ways can take away from client care.

Response: Comment is in support of the rule, no agency response required.

Metropolitan Transportation Agency

ERRATUM

A Notice of Adoption, MTA-23-19-00006-A, published in the August 5, 2020 issue of the State Register, pertaining to the "Debarment of Contractors," effective August 5, 2020, inadvertently did not indicate that a non-substantive change was made to the final rule text. The change was made in section 1004.2(a) of Title 21 NYCRR to reflect the changed name of an MTA subsidiary, from "MTA Capital Construction Company" to "MTA Construction & Development Company." For purposes of further clarification, the full text of the final adopted rule, including incorporation of this change, is provided below.

Please Note: Below [bracketed] text indicates deleted text and italicized text indicates added text since the rule text was last published in the June 3, 2020 issue of the State Register.

Part 1004 of Title 21 of NYCRR

Section 1004.1 Purpose

(a) This Part establishes rules and regulations governing the debarment of contractors by the Metropolitan Transportation Authority and its subsidiaries and affiliates, as required by Section 1279-h of the Public Authorities Law, which was enacted on and made effective immediately as of April 12, 2019. Once adopted, it shall apply to all contracts that were in effect on, or entered into after, April 12, 2019.

(b) Nothing in this Part shall preclude or otherwise limit the Authority, as defined below, from assessing the responsibility of any bidder, contractor, subcontractor, or supplier pursuant to its All-Agency Responsibility Guidelines or from prohibiting any bidder, contractor, subcontractor, or supplier found to be not responsible from responding to new and future contract solicitations or from being awarded new and future contracts or subcontracts.

Section 1004.2 Definitions

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

(a) Authority means the Metropolitan Transportation Authority, the Long Island Rail Road Company, the Metro-North Commuter Railroad Company, the Staten Island Rapid Transit Operating Authority, MTA Bus Company, [MTA Capital Construction Company] *MTA Construction & Development Company*, the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, or the Triborough Bridge and Tunnel Authority, or any combination thereof.

(b) Contract means an enforceable agreement including a task order entered into by a contractor and the Authority for goods or services entered into after April 12, 2019, in connection with a capital element in an approved capital program plan or a non-capital related agreement, having a value in excess of \$25 million. A contract does not include routine inventory purchases or any contract entered into by the Authority with a participant in the Authority's Small Business Mentoring Program.

(c) Contractor means any person, partnership, firm, corporation, or association, including any consultant, supplier or vendor, with whom the

Authority has directly entered into a contract, but shall not include the federal government, a state agency, any public authority or public benefit corporation, or any unit of local government.

(d) Debar or debarment means the prohibition of a contractor from responding to any contract solicitation of or entering into any contract with the Authority for five years from ratification of a debarment determination as provided in section 1004.6 of this Part.

(e) Contract Modification means amendments, change orders, additional work orders, or modifications with respect to a contract that are executed in accordance with the terms and conditions of such contract including without limitation extensions of deadlines for excusable delay.

(f) Substantially Complete, unless otherwise defined in the contract at issue, means the contractor's completion of the work as necessary for the Authority's beneficial use of the applicable project or improvements or the Authority's acceptance of those goods or services required to be delivered by a deadline.

(g) Total adjusted time frame means the period that a contract provides for a contractor to substantially complete its obligations under the contract. With respect to a contract that includes both design and/or construction services and operation and /or maintenance services, the total adjusted time frame includes only the time that the contract provides for the contractor to substantially complete the design and/or construction services. With respect to contracts for services or for manufacture or supply of materials, equipment, or rolling stock, any of which must be delivered by a deadline, the total adjusted time frame applies to each period that the contract provides for such delivery. In all cases, the total adjusted time frame shall include any adjustments required by the contract for excusable delays, accelerations, scope increases and reductions, or unforeseen circumstances.

(h) Total adjusted contract value means the original awarded amount of the contract plus or minus the aggregate net amount of all contract modifications.

(i) Unforeseen circumstance means an unexpected event or situation that is not reasonably anticipated by a contractor exercising due diligence given existing knowledge of industry practice.

Section 1004.3 Grounds for Debarment

(a) The board of the Authority may debar a contractor pursuant to section 1004.6 if it approves a recommendation to debar by a hearing panel made pursuant to section 1004.5 and 1004.6, including that the contractor has:

(1)(i) failed to substantially complete all the work within the total adjusted time frame by more than ten percent of the total adjusted time frame, or

(ii) failed to progress the work in a manner so that it will be substantially complete within ten percent of the total adjusted time frame and has refused or in the opinion of the Authority is unable to accelerate the work so that it will be substantially complete within ten percent of the total adjusted time frame, and such refusal or failure is an event of default under the contract; or

(iii) with respect to contracts for services, or for manufacture or supply of materials, equipment, or rolling stock, as to any such services, materials, equipment or rolling stock that must be delivered by a deadline, materially failed to deliver such services, materials, equipment, or rolling stock by more than ten percent of the total adjusted time frame.

(2) asserted a claim or claims for payment of additional amounts beyond the total adjusted contract value and one or more of such claims are determined in whole or in part to be invalid under the contract's dispute resolution process or if no such process is specified in the contract in a final determination made by the chief engineer or otherwise by the Authority, and together the sum of any such invalid claims exceeds by ten percent or more the total adjusted contract value. An invalid claim is a claim or claims that cannot be supported by the facts or a nonfrivolous argument that it is warranted by the contract or existing law. A claim for payment of additional amounts to a subcontractor that a contractor is contractually obliged to submit to the Authority on behalf of such subcontractor that is determined to be invalid, shall not be deemed to be an invalid claim asserted by the contractor, and shall be deemed an invalid claim submitted by the subcontractor.

(3) The Authority shall initiate a debarment proceeding upon determining that one or more grounds for debarment exist under sections 1004.3(a)(1) or (a)(2), except that (i) if a contractor has made a good faith request for an extension of the total adjusted time frame because of excusable delay or otherwise, which request, if granted by the Authority, would eliminate grounds for debarment under provision (a)(1), the Authority shall defer initiating a debarment proceeding until it has

evaluated and determined such request; and (ii) the Authority may defer initiating, or determine not to initiate or pursue, a debarment proceeding for good cause shown, provided that the determination to defer or to not initiate or pursue a debarment proceeding after grounds for debarment have been determined to exist is presented to the Authority's Board for ratification or nullification at the next regularly scheduled meeting thereof. The Authority's Finance Committee shall be notified immediately upon a determination to defer initiating or not initiate or pursue a debarment proceeding, and all such determinations to defer initiating or to not initiate or pursue a debarment proceeding for good cause shown shall be presented to the Authority's Finance Committee for recommendation before submission to the Board. In the event that a determination to defer initiating or to not initiate or pursue a debarment proceeding is rejected by the Board, Authority personnel shall immediately commence a debarment proceeding.

Section 1004.4 Notice of Intent to Debar and Written Response

(a) To commence a debarment proceeding, the Authority shall provide a written notice of intent to debar to the contractor, advising the contractor that it will hold a hearing to make a final determination as to whether a ground for debarment exists. At a minimum, the notice of intent to debar shall:

(1) state the facts upon which the Authority made its preliminary finding that one or both statutory grounds for debarment exists, including the basis for determining as provided in section 1004.3 of this Part that the contractor failed to timely Substantially Complete or the Authority's calculation of costs arising from claims determined to be invalid, and

(2) provide the contractor 30 calendar days after the date of the notice of intent to debar to respond.

(b) A contractor's written response must address each of the factual statements made by the Authority in its notice of intent to debar and state in detail any defenses including but not limited to force majeure.

(c) After submission by the contractor of a written response within the time permitted, or after the failure by the contractor to submit a written response within such time, a debarment hearing will be held, as provided in section 1004.5 of this Part.

(d) Subject to section 1004.1(b) of this Part, a contractor who has received a notice of intent to debar may respond to other contract solicitations issued by the Authority pending the ratification of a debarment determination by the board of the Authority, if any; provided, however, that if the Authority awards such contractor a new contract or contracts after having provided the contractor a notice of intent to debar, and such contractor is later debarred by the Authority pursuant to such notice, the Authority must view such debarment as cause for termination under such new contract or contracts.

Section 1004.5 Debarment Hearing

(a) A debarment hearing shall be conducted within:

(1) 21 calendar days from the Authority's receipt of a contractor's written response to a notice of intent to debar or within such further reasonable time that the authority shall proscribe; or

(2) 14 calendar days after the date the contractor's response was due, if no response is received from the contractor within the deadline, or within such further reasonable time that the authority shall proscribe.

(b) A recording or transcript of the debarment hearing shall be made.

(c) The debarment hearing shall be conducted by a panel of at least two managerial level employees of the MTA designated by majority vote of the Authority's board; provided that no employee who has taken part in the award of or was otherwise directly involved in the contract to such contractor that is the subject of the debarment hearing, or overseen such contractor's performance on any Authority contract, may serve on a panel considering the debarment of such contractor. The debarment panel also shall include at least one neutral party drawn from the American Arbitration Association and independent of any state agency or authority to be chosen by the board of the Authority.

(d) A contractor shall have the right to appear by and be represented by counsel at the debarment hearing and any hearings in connection with other proceedings conducted pursuant to this Part.

(e) A contractor at the debarment hearing may assert any and all defenses in the debarment proceeding. Such defenses that may be asserted by the contractor include but are not limited to force majeure; unforeseen circumstances; good faith efforts to take remedial, corrective or disciplinary action; a lack of bad faith in connection with the contractor's conduct and other mitigating factors. The contractor may assert excusable delay and such other defenses at a debarment hearing irrespective of whether the Authority has previously ruled on such defenses.

(f) If a contractor fails to appear at a debarment hearing, the panel may proceed with the hearing based on the record before it and reach a determination without providing for any further appearance or submission by the contractor.

Section 1004.6 Debarment Determination and Ratification

(a) After consideration of the defenses raised by the contractor, and after the hearing is completed, the panel shall make a recommendation as to whether all of the facts and circumstances reasonably justify debarment.

(b) The panel's determination shall be by majority vote and set forth in writing. If the debarment determination is that the contractor shall be debarred, the panel shall recommend that the term of the contractor's debarment shall be five years from the date of the ratification of the debarment determination. The panel may, in its discretion, also seek to debar any of the following related entities or individuals:

(i) if the panel finds that the contractor was created as a single or limited purpose entity to execute and perform the contract which is the subject of the debarment hearing; or

(ii) if the panel finds a material and knowing causal connection between such entity or individual and the ground for the contractor's debarment:

(1) the contractor's parent(s), subsidiaries and affiliates;

(2) any joint venture (including its individual members) and any other form of partnership (including its individual members) that includes a contractor or a contractor's parent(s), subsidiaries, or affiliates of a contractor,

(3) a contractor's directors, officers, principals, managerial employees, and any person or entity with a ten percent or more interest in a contractor;

(4) any legal entity controlled, or ten percent or more of which is owned or controlled, by a contractor, or by any director, officer, principal, managerial employee of contractor, or by any person or entity with a 10 percent or greater interest in contractor, including without limitation any new entity created after the date of the notice of intent to debar. If the panel seeks to debar any such related entity or individual, it shall issue a written notice of intent to debar to each such entity or individual and provide each a reasonable opportunity to be heard on the issue of whether they had a material and knowing causal connection to the conduct and circumstances underlying the contractor's debarment.

(c) The panel's determination to debar any contractor and any related entity or individual shall be timely submitted to the board of the Authority for ratification. The board of the Authority shall review such determination and either: (i) ratify the determination or, (ii) remit the determination to the panel for further consideration of facts or circumstances identified in the remission. The facts or circumstances identified in the remission shall be reviewed by the panel who shall then, after reconsideration, make a determination. Such determination shall then be resubmitted to the Authority board for ratification or nullification. Upon initial Authority board ratification of a panel determination, or Authority board ratification or nullification of a panel determination made after reconsideration, such determination shall be deemed final.

(d) Timely and complete compliance with each and all of the requirements of this Part shall be a precondition to any legal challenge that the contractor or any related entity or individual may be permitted to bring arising out of its debarment pursuant to Section 1279-h of the Public Authorities Law.

(e) Pursuant to Executive Order No. 192, the Authority shall notify the New York State Office of General Services of any final debarment determination within five days of the date it is ratified by the board of the Authority.

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

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Transfer of Street Lighting Facilities

I.D. No. PSC-33-20-00003-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 a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid for the transfer of certain street lighting facilities located in the Town of Salina, New York to the Town of Salina.

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 by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid or the Company) on July 7, 2020, requesting authorization to transfer ownership of certain street lighting facilities installed throughout the Town of Salina (Town) to the Town.

The original cost of the facilities was approximately \$2,632,302 and the net book value is \$1,577,871, as of February 29, 2020. The Company proposes to transfer the ownership of the street lighting facilities to the Town for approximately \$1,598,699, which includes the net book value of the assets and transition and transaction costs. National Grid explains that the agreement between it and the Town provides that the purchase price will be adjusted (up or down) to reflect the actual net book value at the date of closing.

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

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

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, 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-0322SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Transfer of Street Lighting Facilities

I.D. No. PSC-33-20-00004-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 a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid for authorization to transfer certain street lighting facilities in the Village of Lima to the Village of Lima.

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 street of 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 17, 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 Village of Lima (Village) to the Village.

The original cost of the facilities was approximately \$152,751 and the net book value, is \$84,069, as of February 29, 2020. The Company proposes to transfer the ownership of the street lighting facilities to the Village for approximately \$76,549, which includes the net book value of the assets as of June 30, 2018, as well as transition and transaction costs. National Grid explains that the agreement between it and the Village provides that the purchase price will be adjusted (up or down) to reflect the actual net book value at the date of closing.

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

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

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

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

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

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

(20-E-0359SP1)

Department of Taxation and Finance

NOTICE OF ADOPTION

Fuel Use Tax on Motor Fuel and Diesel Motor Fuel and the Art. 13-A Carrier Tax Jointly Administered Therewith

I.D. No. TAF-21-20-00004-A

Filing No. 478

Filing Date: 2020-08-04

Effective Date: 2020-08-04

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

Action taken: Amendment of section 492.1(b)(1) of Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subd. First, 301-h(c), 509(7), 523(b) and 528(a)

Subject: Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.

Purpose: To set the sales tax component and the composite rate per gallon for the period July 1, 2020 through September 30, 2020.

Text or summary was published in the May 27, 2020 issue of the Register, I.D. No. TAF-21-20-00004-P.

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

Text of rule and any required statements and analyses may be obtained from: Kathleen D. Chase, Tax Regulations Specialist, Department of Taxation and Finance, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: kathleen.chase@tax.ny.gov

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Fuel Use Tax on Motor Fuel and Diesel Motor Fuel and the Art. 13-A Carrier Tax Jointly Administered Therewith

I.D. No. TAF-33-20-00002-P

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

Proposed Action: Amendment of section 492.1(b)(1) of Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subd. First, 301-h(c), 509(7), 523(b) and 528(a)

Subject: Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.

Purpose: To set the sales tax component and the composite rate per gallon for the period October 1, 2020 through December 31, 2020.

Text of proposed rule: Pursuant to the authority contained in subdivision First of section 171, subdivision (c) of section 301-h, subdivision 7 of section 509, subdivision (b) of section 523 and subdivision (a) of section 528 of the Tax Law, the Commissioner of Taxation and Finance hereby proposes to make and adopt the following amendments to the Fuel Use Tax Regulations, as published in Article 3 of Subchapter C of Chapter III of Title 20 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

Section 1. Paragraph (1) of subdivision (b) of section 492.1 of such regulations is amended by adding a new subparagraph (c) to read as follows:

Motor Fuel			Diesel Motor Fuel		
Sales Tax Component	Composite Rate	Aggregate Rate	Sales Tax Component	Composite Rate	Aggregate Rate
(xcix) July – September 2020					
13.7	21.7	39.10	15.6	23.6	39.25
(c) October – December 2020					
13.8	21.8	39.2	15.5	23.5	39.15

Text of proposed rule and any required statements and analyses may be obtained from: Kathleen D. Chase, Regulations Specialist, Department of Taxation and Finance, Office of Counsel, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: Kathleen.Chase@tax.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, 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.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-33-20-00007-P	Emissions Limits for 2030 and 2050, as a Percentage of 1990 Levels, Required by Climate Leadership and Community Protection Act	<p>Electronic webinar—Oct. 20, 2020, 2:00 p.m. and 6:00 p.m.</p> <p>Instructions on how to “join” the hearing webinar and provide an oral statement will be published in the Department’s electronic Environmental Notice Bulletin (ENB), and posted on the Department’s events calendar and proposed regulations webpage by Wednesday, October 7, 2020. The Department’s ENB may be accessed at https://www.dec.ny.gov/enb/enb.html. The Department’s events calendar may be accessed at https://www.dec.ny.gov/calendar/. The proposed regulations webpage for Part 496 may be accessed at https://www.dec.ny.gov/regulations/propregulations.html.</p> <p>Persons who wish to receive email instructions on how to join the hearing webinar via Webex may register at https://www.eventbrite.com/e/nysdec-hearing-webinar-re-regs-part-496-greenhouse-gas-emission-limits-registration-115516961341. Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 496 public comment hearing.</p> <p>The Department will provide interpreter services for hearing impaired persons at no charge upon written request submitted no later than October 9, 2020. The written request must be addressed to ALJ McBride, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ McBride at ohms@dec.ny.gov.</p>
Housing and Community Renewal, Division of		
HCR-26-20-00012-P	Schedule of Reasonable Costs for Major Capital Improvements in Rent Regulated Housing Accommodations	<p>Electronic webinar—September 9, 2020, 10:00 a.m.</p> <p>Update: Due to COVID-19, the September 9, 2020 hearing will be held remotely. Anyone may attend online; details regarding accessing the hearing are available at the NYSHCR website at https://hcr.ny.gov/regulatory-information.</p> <p>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.</p>
Lake George Park Commission		
LGP-29-20-00006-P	Amendment of Stormwater Regulations Within the Lake George Park	Fort William Henry, 48 Canada St., Lake George, NY—September 22, 2020, 4:00 p.m.
Long Island Power Authority		
LPA-28-20-00033-EP	LIPA’s Late Payment Charges, Reconnection Charges, and Low-income Customer Discount Enrollment	<p>H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—September 14, 2020, 10:00 a.m.</p> <p>Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—September 14, 2020, 2:00 p.m.</p>

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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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
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AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-12-20-00006-P 03/25/21	Calibrating and testing of certain weights and measures standards and devices.	To allow the Dept. to increase the fees it charges in calibrating and testing certain weights & measures standards and devices.
AAM-21-20-00002-P	..... 05/27/21	Milk and Milk Products	To incorporate federal requirements applicable to the processing and manufacture of milk and milk products
AAM-27-20-00001-EP	..... 07/08/21	Spotted Lanternfly ("SL")	To prevent SL-infested articles originating in specific counties in NJ, PA, MD, VA and WV from entering NYS

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-46-19-00002-P	11/12/20	Behavioral health services, elimination of room isolation and authority to operate de-escalation rooms	To implement standards for behavioral health services and the operation of de-escalation rooms and to eliminate room isolation
CFS-49-19-00001-P	12/03/20	Limits on executive compensation	To remove the soft cap limit on executive compensation
CFS-04-20-00009-P	01/28/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
CFS-24-20-00001-EP	06/17/21	Medical reviews for child placement	To modernize the requirements for medical reviews so that required standards not act as a barrier for child placement
CFS-24-20-00014-EP	06/17/21	To implement and enforce emergency health guidance as put forward by the Executive Chamber and DOH.	To implement and enforce emergency health guidance as put forward by the Executive Chamber and DOH.
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
CIVIL SERVICE, DEPARTMENT OF			
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
CIVIL SERVICE, DEPARTMENT OF			
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
CIVIL SERVICE, DEPARTMENT OF			
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
CVS-32-20-00003-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-32-20-00004-P	08/12/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes
CVS-32-20-00005-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-32-20-00006-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt 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.
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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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CRIMINAL JUSTICE SERVICES, DIVISION OF			
*CJS-30-19-00010-ERP	10/05/20	Use of Force	Set forth use of force reporting and recordkeeping procedures
CJS-19-20-00010-P	05/13/21	Part 364 - Conditional release conditions.	Conform to the recent changes made by the Legislature by removing the term "gravity knife".
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-09-20-00007-RP	03/04/21	Minority and Women-Owned Business Enterprise Program	Update the regulations of the Division of Minority and Women's Business Development
EDUCATION DEPARTMENT			
*EDU-17-19-00008-P	10/05/20	To require study in language acquisition and literacy development of English language learners in certain teacher preparation	To ensure that newly certified teachers enter the workforce fully prepared to serve our ELL population
*EDU-27-19-00010-P	10/05/20	Substantially Equivalent Instruction for Nonpublic School Students	Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law
EDU-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)

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
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
ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE			
ERD-19-20-00012-P	05/13/21	CO2 Allowance Auction Program	Continued administration and implementation of the CO2 allowance auctions and programs under Part 507
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-36-19-00003-P	11/07/20	Stationary Combustion Installations	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and lower emission standards.
ENV-37-19-00003-P	10/05/20	Clarifying determination of jurisdiction under the Endangered and Threatened Fish and Wildlife regulations	To improve the review of projects by removing some project types that are known not to cause harm from the review stream
ENV-43-19-00010-P	01/06/21	Repeal and replace 6 NYCRR Part 622 and amend 6 NYCRR Part 624, Part 621 and Part 620	To incorporate procedural and legal developments, develop consistency & reflect current practice in DEC hearings
ENV-53-19-00016-P	03/09/21	Certain substances that contain hydrofluorocarbons, highly-potent greenhouse gases	Remove greenhouse gas emission sources that endanger public health and the environment
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-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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-17-20-00006-P	04/29/21	Emission Statements	The purpose of this rule making is to require electronic submittal of annual emission statements beginning in 2022.
ENV-17-20-00007-P	04/29/21	CO2 Budget trading program	To lower the emissions cap established under Part 242.
ENV-21-20-00003-EP	05/27/21	Regulations governing the recreational harvest of bluefish	To revise regulations concerning the recreational harvest of bluefish in New York State
ENV-22-20-00003-P	06/03/21	Amendments to New York State migratory game bird hunting regulations	To bring New York State migratory game bird hunting regulations into compliance with Federal Code of Regulations
ENV-22-20-00004-P	06/03/21	Amendments to New York State mink, muskrat, and beaver trapping season dates	To align existing mink, muskrat and beaver trapping season start dates and adjust the seasons to trapper-preferred dates
ENV-33-20-00005-P	08/19/21	Repeal of Section 485.1	To remove outdated and redundant references in the Department's regulations
ENV-33-20-00007-P	10/20/21	Emissions limits for 2030 and 2050, as a percentage of 1990 levels, required by Climate Leadership and Community Protection Act	To limit greenhouse gas emissions that endanger public health and the environment
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-33-19-00004-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 Surpsise Bills	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided
DFS-24-20-00015-EP	06/17/21	Paid Family Leave COVID-19 Risk Adjustment Mechanism	Establishment of a risk adjustment mechanism as required by Chapter 25 of the Laws of 2020
DFS-27-20-00002-P	07/08/21	Mental Health and Substance Use Disorder Treatment Parity Compliance Program	To establish mental health and substance use disorder parity compliance program requirements
GAMING COMMISSION, NEW YORK STATE			
SGC-22-20-00008-P	06/03/21	Permit harness horses to race without qualifying in extraordinary circumstances	To enhance harness racing in New York and promote a reasonable return for government
SGC-22-20-00009-P	06/03/21	Technical changes to correct cross-references in the regulations	To correct cross-references in the regulations
SGC-33-20-00006-P	08/19/21	Agency rule for the protection of trade secrets submitted to the Gaming Commission	To prescribe the manner of safeguarding against any unauthorized access to records containing trade secrets

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
GENERAL SERVICES, OFFICE OF			
GNS-40-19-00005-P	10/01/20	Facility Use	To add "plastic knuckles" and remove "gravity knife" from the definition of "deadly weapon"
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-30-19-00006-RP	10/05/20	Maximum Contaminant Levels (MCLs)	Incorporating MCLs for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS) and 1,4-dioxane.
HLT-36-19-00006-P	10/05/20	Limits on Executive Compensation	Removes "Soft Cap" prohibition on covered executive salaries.
HLT-40-19-00004-P	10/05/20	Drug Take Back	To implement the State's drug take back program to provide for the safe disposal of drugs
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-11-20-00003-P	03/18/21	Adult Day Health Care (ADHC)	To allow for reimbursement of real property leases in certain situations when used for operations of an ADHC program
HLT-27-20-00005-P	07/08/21	Private Duty Nursing Services to Medically Fragile Children	To amend the Medicaid reimbursement for fee-for-service private duty nursing provided to medically fragile children
HLT-27-20-00006-P	07/08/21	Medicaid Managed Care State Fair Hearings and External Appeals Processes and Standards	To address & clarify rules of procedure & presentation of evidence for Medicaid managed care fair hearings & external appeals
HLT-27-20-00007-P	07/08/21	Development of Mental Health and Substance Use Disorder Parity Compliance Programs	To establish standards for a mental health and substance use disorder parity compliance program
HLT-28-20-00019-P	07/15/21	Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP)	To implement a revised assessment process and eligibility criteria for PCS and CDPAP
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
HLT-32-20-00002-EP	08/12/21	Controlled Substances	To ensure access to medicine that was formerly classified as a controlled substance
HLT-32-20-00007-EP	exempt	Upper Payment Limit (UPL) Rate Add-ons	To include UPL rate add-ons in the rates of payment for acute, specialty long term care acute and emergency department services.
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
*HCR-21-19-00019-P	10/05/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of 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
HOUSING FINANCE AGENCY			
*HFA-21-19-00020-P	10/05/20	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits
JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
JPE-28-20-00031-P	07/15/21	Source of funding reporting	Clarifying amendments to Source of Funding reporting
JPE-28-20-00032-P	07/15/21	Amendments to the lobbying regulations	To clarify the lobbying regulations that implement the provisions of the Lobbying Act
LABOR, DEPARTMENT OF			
LAB-46-19-00004-P	11/12/20	NY State Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LAKE GEORGE PARK COMMISSION			
LGP-29-20-00006-P	09/22/21	Amendment of Stormwater Regulations within the Lake George Park	To more adequately control and minimize the pollutants found in stormwater runoff from going into Lake George
LAW, DEPARTMENT OF			
LAW-15-20-00017-P	04/15/21	investment advisers defined under GBL § 359-eee	Harmonize regulations with federal law and national standards and facilitate anti-fraud activities and modernize registration.
LAW-15-20-00018-P	04/15/21	Brokers, dealers and salespersons defined under GBL § 359-e	Harmonize regulations with federal law and national standards and facilitate anti-fraud activities and modernize registration.
LAW-18-20-00002-P	05/06/21	Designation of a Privacy Officer	Removal of a named Privacy Officer., along with their contact information
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
LPA-28-20-00033-EP	exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
LONG ISLAND RAILROAD COMPANY			
LIR-20-20-00005-EP	05/20/21	The conduct and safety of the public in the use of terminals, stations, and trains operated by The Long Island Railroad Company	To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminals and stations

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY			
MBA-20-20-00002-EP	05/20/21	The conduct and safety of the public in the use of facilities and conveyances operated by the MaBSTOA	To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of the transit system
MEDICAID INSPECTOR GENERAL, OFFICE OF			
MED-28-20-00029-P	07/15/21	Monetary Penalties	To amend regulations governing the imposition of monetary penalties under the Medicaid program
MENTAL HEALTH, OFFICE OF			
OMH-47-19-00001-P	11/19/20	Limits on Executive Compensation	To eliminate "soft cap" restrictions on compensation.
OMH-12-20-00003-P	03/25/21	Uncompensated care funds issued pursuant to the Indigent Care Program.	To ensure the appropriate allocation of uncompensated care funds.
METRO-NORTH COMMUTER RAILROAD			
MCR-20-20-00004-EP	05/20/21	The conduct and safety of the public in the use of terminal, stations, and trains operated by Metro-North Commuter Railroad	To safeguard the public health and safety by amending rules concerning appropriate and safe uses of terminal and stations
MOTOR VEHICLES, DEPARTMENT OF			
MTV-28-20-00001-P	07/15/21	Limited Use Vehicles - Equipment	Removes an obsolete, unnecessary requirement for seat height on 2 and 3 wheeled limited use motorcycles
MTV-28-20-00002-P	07/15/21	Safety Criteria for Registration - Motorcycles	removes an obsolete, unnecessary requirement for seat height on motorcycles
MTV-28-20-00030-P	07/15/21	Dealer and transporters -procedures used for certificates of sale	makes minor technical change removing an obsolete reference and conforms regulation with federal regulation
NEW YORK CITY TRANSIT AUTHORITY			
NTA-20-20-00001-EP	05/20/21	The conduct and safety of the public in the use of facilities and conveyances operated by New York City Transit Authority	To safeguard the public health and safety by amending existing rules concerning appropriate and safe use of the transit system
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-23-20-00005-EP	..... 06/10/21	face coverings, social distancing and dispersal of groups not from the same household or family unit	To encourage patrons to wear face coverings or stay six feet away from other patrons and not congregate in groups at parks
PKR-29-20-00001-P	..... 07/22/21	Listing of state parks, parkways, recreation facilities and historic sites (facilities). New York City Region	To update the listing of state parks, parkways, recreation facilities and historic sites in the New York City Region
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-29-20-00002-EP	..... 07/22/21	Operating Certificates	Outlines the required operating certificates for providers who intend to provide care coordination sand crisis intervention
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-04-00016-P	..... exempt	Accounts receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*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
PUBLIC SERVICE COMMISSION			
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-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
PUBLIC SERVICE COMMISSION			
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
PSC-34-19-00015-P	..... exempt	Major electric rate filing.	To consider a proposed increase in RG&E's electric delivery revenues of approximately \$31.7 million (or 4.1% in total revenues).
PSC-34-19-00016-P	..... exempt	Major gas rate filing.	To consider a proposed increase in RG&E's gas delivery revenues of approximately \$5.8 million (or 1.4% in total revenues).
PSC-34-19-00018-P	..... exempt	Major electric rate filing.	To consider a proposed increase in NYSEG's electric delivery revenues of approximately \$156.7 million (10.4% in total revenues).
PSC-34-19-00020-P	..... exempt	Major gas rate filing.	To consider a proposed increase in NYSEG's gas delivery revenues of approximately \$6.3 million (or 1.4% in total revenues).
PSC-36-19-00011-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
PSC-43-19-00014-P	..... exempt	Petition for the use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-45-19-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
PSC-48-19-00007-P	..... exempt	Extension of the State Universal Service Fund.	To continue to provide universal service at a reasonable rate in certain service territories.
PSC-50-19-00004-P	..... exempt	Petition to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-52-19-00001-P	..... exempt	SUEZ Water New York Inc.'s acquisition of 100% of Heritage Hills Water Works Corporation's assets.	To determine if the proposed acquisition is in the public interest.
PSC-52-19-00003-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-52-19-00006-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
PUBLIC SERVICE COMMISSION			
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
PUBLIC SERVICE COMMISSION			
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
PUBLIC SERVICE COMMISSION			
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
PUBLIC SERVICE COMMISSION			
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
PUBLIC SERVICE COMMISSION			
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
PUBLIC SERVICE COMMISSION			
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
PUBLIC SERVICE COMMISSION			
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.
PSC-32-20-00009-P	..... exempt	Transfer of street light facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-32-20-00010-P	..... exempt	Procurement of Tier 1 RECs.	Management of renewable energy procurements to meet state goals and benefit ratepayers.
PSC-32-20-00011-P	..... exempt	Sale of transmission line and related property rights.	To determine whether to authorize the transfer of a 1.42 mile transmission line and the proper accounting for the transaction.
PSC-32-20-00012-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-32-20-00013-P	..... exempt	Authorization for RED-Rochester, LLC to incur indebtedness of up to \$200 million.	To ensure that the proposed debt financing is within the public interest.
PSC-32-20-00014-P	..... exempt	The term for retention of a monetary crediting methodology.	To provide sufficient revenues to support financing, realize promised benefits from the project, and repay necessary re-work.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-32-20-00015-P	..... exempt	Petition for waiver of the requirements of 16 NYCRR Part 96 regarding individual metering of living units.	To consider the petition of St. Paul's Center to master meter and for waiver of 16 NYCRR Part 96.
PSC-32-20-00016-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-32-20-00017-P	..... exempt	Transfer of street light facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-33-20-00003-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-33-20-00004-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
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.
SUN-29-20-00004-EP	..... 07/22/21	State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY	To modify limitations formula for basic State financial assistance and remove an operating support "floor"
SUN-29-20-00005-EP	..... 07/22/21	Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees	To postpone voting on student activity fees and elections of Student Assembly representatives and officers until Fall 2020
STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY			
SIR-20-20-00003-EP	..... 05/20/21	The conduct and safety of the public in the use of terminals, stations and trains operated by Staten Island Rapid Transit Auth	To safeguard the public health and safety by amending rules concerning appropriate and safe use of terminals and stations.
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-02-20-00001-EP	..... 01/14/21	Property tax levy limits for school districts in relation to certain costs resulting from capital local expenditures	To implement Education Law 2023-a relating to certain costs resulting from capital local expenditures of school districts

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-33-20-00002-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period October 1, 2020 through December 31, 2020
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-16-20-00012-P	..... 04/22/21	New York State Combined Application Project (NYSCAP)	To implement the NYSCAP, a new combined application project for recipients of Supplemental Security Income benefits, who have been designated as Live-Alone by the Social Security Administration and the State-funded SSI State Supplement Program
TDA-26-20-00007-P	..... 07/01/21	Supplemental Security Income (SSI) Additional State Payments	To clarify who participates, the intended uses for benefits, that benefits won't be issued once a death is verified, time frames to report and circumstances when underpayment/retroactive benefits will issue, and NYS operates SSP under State rules
THRUWAY AUTHORITY, NEW YORK STATE			
THR-01-20-00003-P	..... 01/07/21	Toll rate adjustments on the New York State Thruway system.	To provide for toll rate adjustments necessary to support the Authority's financial obligations.
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY			
TBA-26-20-00001-P	..... exempt	A proposal to establish a new crossing charge schedule for use of bridges and tunnels operated by TBTA	To provide for the implementation of split tolling at TBTA's Verrazzano-Narrows Bridge as required by federal law
WORKERS' COMPENSATION BOARD			
WCB-37-19-00002-P	..... 09/10/20	Applications for Reopenings	Clarify the process for reopening a case that has been previously closed
WCB-23-20-00001-P	..... 06/10/21	Submission of medical bills and reports	To allows 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 FISH LADDER/VIEWING PLATFORM Salmon River Fish Hatchery Altmar, Oswego County

Sealed bids for Project No. Q1774-C, comprising a contract for Construction Work, Rehabilitate Fish Ladder & Viewing Platform, Salmon River Fish Hatchery, 2133 County Route 22, Altmar (Oswego County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Environmental Conservation-Division of Operations, until 2:00 p.m. on Wednesday, August 26, 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 \$89,300 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 \$3,000,000 and \$4,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

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

flation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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 365 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on August 12, 2020 at Salmon River Fish Hatchery, 2133 County Route 22, Altmar, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Tracy Gualtieri, (315-337-0159) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

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

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

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line

through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

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

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

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

**REPLACE
HEATING SYSTEM PIPING
Elmira Correctional Facility
Elmira, Chemung County**

Sealed bids for Project Nos. M3111-C, M3111-H and M3111-P, comprising separate contracts for Construction Work, HVAC Work, and Plumbing Work, Replace Heating System Piping, Elmira Correctional Facility, 1879 Davis Street, Elmira (Chemung County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, September 2, 2020 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$16,200 for C, \$15,500 for H, and \$10,100 for P).

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

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 318 days after the Agreement is approved by the Comptroller.

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any

State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

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

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

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

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

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

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

**REHABILITATE
RESTROOM
State Armory
Troy, Rensselaer County**

Sealed bids for Project Nos. 46184-C, 46184-E, 46184-H and 46184-P, comprising separate contracts for Construction Work, Electrical Work, HVAC Work, and Plumbing Work, Rehabilitate Restroom, State Armory, 137 Glenmore Road, Troy (Rensselaer County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, August 26th, 2020 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$19,200 for C, \$2,500 for E, \$900 for H, and \$10,600 for P).

All successful bidders will be required to furnish a Performance

Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for C, between \$25,000 and \$50,000 for E, between \$0 and \$25,000 for H, and between \$100,000 and \$250,000 for P.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller (“Restricted Period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

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

- 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 178 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs) for

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

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

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

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

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

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

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE

Department of Health

Office of Health Insurance Programs

Notice of Application for Medicaid Redesign Term (MRT) 1115 Waiver Authority to Implement a 30-month Transfer of Assets Lookback for Community Based Long-Term Care Services

In July 1997, New York State received approval from the Centers for Medicare and Medicaid Services ("CMS") for its "Partnership Plan" Medicaid Section 1115 Demonstration (the "1115 Demonstration"). In implementing the 1115 Demonstration, the State sought to achieve the following goals:

- Improve access to health care for the Medicaid population;
- Improve the quality of health services delivered; and
- Expand coverage to additional low-income New Yorkers with resources generated through managed care efficiencies.

In furtherance of these goals, the primary objective of the 1115 Demonstration was to enroll most of the State's Medicaid population into managed care, and to use a managed care delivery system to deliver benefits to Medicaid recipients, create efficiencies in the Medicaid program and enable the extension of coverage to certain individuals who would otherwise be without health insurance.

The 1115 Demonstration was last renewed by CMS on December 7, 2016 and, at the time of renewal, the name of 1115 Demonstration was changed from the Partnership Plan to the New York Medicaid Redesign Team ("MRT") Waiver. Since the MRT's Waiver's renewal, this waiver has been amended to reflect programmatic needs. Under the waiver, the State is required to seek Federal approval of any amendments.

Pursuant to a state statutory change on April 2, 2020, New York is seeking to apply transfer of assets rules beginning January 1, 2021 to certain categories of non-institutionalized individuals applying for coverage of community based long-term care ("CBLTC") services, as

listed below. The statutory change imposes a 30-month lookback period from the date a non-institutionalized individual applies for Medicaid coverage of CBLTC services. This change would mean that the Medicaid program will not pay for any of the CBLTC services listed below for a period of time if a prohibited transfer of countable assets for less than fair market value is made by an individual or an individual's spouse within 30 months before an individual's application for Medicaid coverage of community based long-term care services, or at any time after an individual applies for Medicaid coverage of CBLTC services. Under New York's April 2, 2020 statutory change, the transfer of assets rules for CBLTC services are effective October 1, 2020. Implementation of this provision is described below. The exceptions to the Medicaid transfer of assets rules and provision for an undue hardship waiver that apply under the transfer of assets provisions of the federal Omnibus Budget Reconciliation (OBRA) of 1993 and Deficit Reduction Act (DRA) of 2005 would apply to transfers in these situations.

The State reviewed current utilization of services while preparing this proposal, and developed estimates of potential asset transfers. This statutory change was recommended by Medicaid Redesign Team II and adopted by the New York State Legislature in order to ensure that Medicaid payments are not used when CBLTC services could be covered by an individual's own income and/or resources that were transferred, if the transfer is subject to the imposition of a transfer of asset penalty period. It is estimated that in 2021 and annually thereafter, approximately 2,700 new non-institutionalized applicants seeking Medicaid coverage of CBLTC through enrollment in a Managed Long Term Care Plan and approximately 40 applicants through Medicaid fee-for-service would be subject to an average penalty period of 0.85 months as a result of an average \$10,000 prohibited transfer during the 30-month transfer of assets lookback period. Assuming an effective date of January 1, 2021, and as a result of this amendment, the State estimates approximately 2,700 new members will be impacted against an annual total enrollment of 2.8 million demonstration recipients. This amendment is expected to reduce the average annual total demonstration cost of \$40 billion by \$2.525 million in federal savings through the end of the current waiver period. Accordingly, any impact on the annual total enrollment of 2.8 million demonstration recipients, or individuals enrolled in Medicaid fee-for-service, is expected to be fairly small.

The State will seek approval under the Section 1115 waiver to apply a look-back period of thirty (30) months, rather than the federally required sixty (60) months, and to impose the lookback with a modified phase-in. This means a full 30-month retroactive review will be not be applied on January 1, 2021. Given the transfer of asset rules for CBLTC services are effective October 1, 2020 pursuant to New York's April 2, 2020 statutory change, the State is seeking to begin applying the CBLTC transfer rules on January 1, 2021, meaning that applications for CBLTC services submitted on or after January 1, 2021 would be assessed for any transfers made on or after October 1, 2020.

Following are the Medicaid eligibility categories of non-institutionalized individuals impacted by this initiative:

Optional Medicaid Eligibility Categories:

- Ticket to Work Basic Group (SSA § 1902(a)(10)(A)(ii)(XV))
- Ticket to Work Medical Improvement Group (SSA § 1902(a)(10)(A)(ii)(XVI))

Medically Needy:

- Medically Needy Aged (SSA § 1902(a)(10)(C), 42 CFR 435.320 and 435.330)
- Medically Needy Blind (SSA § 1902(a)(10)(C), 42 CFR 435.322 and 435.330)
- Medically Needy Disabled (SSA § 1902(a)(10)(C), 42 CFR 435.324 and 435.330)

Following are the community based long-term care services the State plans to impact by this initiative:

- Adult day health care
- Assisted living program (ALP)
- Certified home health agency (CHHA) services
- Personal care services
- Consumer directed personal assistance program
- Limited licensed home care services
- Private duty nursing services
- Managed long-term care in the community*

*Note: Managed long-term care in the community is not a State Plan service and instead refers to enrollment in managed long-term care (MLTC) plans while residing in a community-based setting. These plans include Partial Capitation, Medicaid Advantage Plus and Programs of All-Inclusive Care for the Elderly (PACE). Because this service list includes most of the services in the MLTC benefit package found in Attachment B of the current 1115 Waiver Special Terms and Conditions, the State would not require nor permit enrollment in such plans prior to the proposed 30-month lookback.

This initiative does not pertain to waiver services obtained pursuant to 1915(c) or (d) of the Social Security Act, which are waiver services provided through the Traumatic Brain Injury Program, the Nursing Home Transition and Diversion Waiver Program, the consolidated 1915(c) Children's Waiver and the Office for People With Developmental Disabilities' (OPWDD) Comprehensive Home and Community-Based 1915(c) Waiver.

For individuals covered in the Medicaid eligibility groups that will be impacted by the State's intended change, CBLTC services are provided primarily through Medicaid fee-for-service and managed long-term care (MLTC) plans. Some individuals in the Medicaid eligibility groups that will be impacted may receive these services through Medicaid mainstream managed care (MMC) plans. Under current standards, the services provided through MMC plans are included in one benefit package and enrollees are not required to be in need of CBLTC services for MMC plan enrollment. Conversely, MLTC plan enrollees are required to be in need of more than 120 days of CBLTC services. Therefore, the State will seek approval through an amendment to our Section 1115 waiver to exclude from this initiative all individuals that are enrolled in MMC plans, regardless of whether an individual is in a category that the State has elected to include in the eligibility groups that will be subject to non-institutional transfer penalties, and include MLTC plan enrollees receiving CBLTC services.

Further, the State will implement these proposed transfer of asset rules only to those newly seeking CBLTC services on or after January 1, 2021, and not to individuals already receiving CBLTC services on that date. This is in keeping with Federal and State practice implementing transfer of asset rules by "grandfathering" in individuals already in eligibility groups and receiving services that would be subject to transfer of asset rules.

In summary, New York is seeking such waiver authority as necessary under its Section 1115 Waiver to, effective January 1, 2021:

- Implement a 30-month transfer of assets lookback period for coverage of CBLTC services, rather than the federally required 60 months (See 42 USC § 1396p9(c)(1)(B)(i));
- Impose the 30-month transfer of assets provision on individuals newly seeking CBLTC services through Medicaid fee-for-service or Managed Long Term Care plan enrollment on or after January 1, 2021, but exclude individuals seeking CBLTC services through Mainstream Managed Care or a Medicaid Advantage Plan; and
- Phase in the application of the CBLTC transfer rules and 30-month lookback on January 1, 2021, meaning that applications for

CBLTC services submitted on or after January 1, 2021 would be assessed for any transfers made on or after October 1, 2020.

A draft of the proposed amendment is available for review at: https://www.health.ny.gov/health_care/medicaid/redesign/mrt2/proposals/index.htm

Written comments will be accepted at: 1115waivers@health.ny.gov or by mail at Department of Health, Office of Health Insurance Programs, Waiver Management Unit, 99 Washington Ave., 7th Fl., Suite 720, Albany, NY 12210.

All comments must be postmarked or emailed by 30 days from the date of this notice.

PUBLIC NOTICE

Department of State

F-2020-0325

Date of Issuance – August 19, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2020-0325, the Town of Wilson is proposing to add sheet pile and rock along ~60 linear feet of shoreline in an area currently occupied by large rock. The sheet pile will be placed landward of the Ordinary High Water Mark with rock extending below the plane of Ordinary High Water. The proposal also includes removal of an existing gabion basket wall running perpendicular to the shoreline along the edge of the existing concrete boat ramp. This wall will be replaced with 60 linear feet of sheet pile wall and toe stone. Finally, the plan involves replacing a previously removed dock/fishing pier system with a 4,700 square foot floating dock/pier systems to include an ADA compliant kayak launch, transfer bench and aluminum 5' x 28' gangway access ramp. The work is proposed at the Town of Wilson's boat ramp on the West Branch of 12 Mile Creek located at 2297 Riverview Drive in the Town of Wilson, Niagara County. The purpose of the proposal is to replace the damaged dock/pier with floating docks and protect the boat launch parking area and concrete boat launch from high water and wave/wind energy.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0325ForPN.pdf>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, September 3, 2020.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

F-2020-0588

Date of Issuance – August 19, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2020-0588, the Village of Wilson is proposing to reface and existing solid filled concrete pier with steel sheet pile and raise the top of the pier to an elevation of 252' IGLD 1985. In addition, the proposal includes rebuilding the existing rock revetments on either side of the pier with more appropriately sized rock. This component of the project would involve the removal of existing rock and material along ~135 linear feet of shoreline and replacing the rock with larger rock within the footprint of the existing rock. The proposal is for the Village of Wilson's Townline Pier property located at 36 Lake Street in the Village of Wilson, Niagara County.

This proposal is part of the New York State Lake Ontario Resiliency & Economic Development Initiative (REDI). REDI is a program created to increase the resilience of shoreline communities and bolster economic development throughout the Lake Ontario and St. Lawrence River regions of New York State. Additional information about the REDI program including project profiles can be found at: <https://www.governor.ny.gov/programs/lake-ontario-resiliency-and-economic-development-initiative-redi>

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0588ForPN.pdf>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, September 18, 2020.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2020-0596

Date of Issuance – August 19, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2020-0596, Orleans County Department of Public Works is proposing to install a rock revetment along ~1,500 linear feet of Lake Ontario Shoreline. The proposed revetment would require excavation of ~7,100 cubic yards of material below the plane of Ordinary High Water along the bank and the placement of ~7,400 cubic yards of rock fill below the plane or Ordinary High Water. The project would result in a net fill of ~0.18 cubic yards per running foot below the plane of Ordinary High Water. The proposed revetment would have a final slope of 2:1 and extend up to an elevation of 255' with light fill and planting above. The work is proposed for a stretch of shoreline along Lakeshore Road (route 97) between 14445 and 14595 in the Town of Carlton, Orleans County. The purpose of the proposal is to stabilize and prevent further erosion of the shoreline which could damage the road.

This proposal is part of the New York State Lake Ontario Resiliency & Economic Development Initiative (REDI). REDI is a program created to increase the resilience of shoreline communities and bolster

economic development throughout the Lake Ontario and St. Lawrence River regions of New York State. Additional information about the REDI program including project profiles can be found at: <https://www.governor.ny.gov/programs/lake-ontario-resiliency-and-economic-development-initiative-redi>

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0596ForPN.pdf>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, September 18, 2020.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2020-0591

Date of Issuance – August 19, 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-2020-0591, Ram Star Realty LLC is proposing to construct a new 4' x 35' fixed dock with a 30" x 11' ramp and 6' x 20' floating dock. The float will be chocked at 2'-6" and the fixed dock will be constructed of open grate material. The project is located at 34 Old Fort Lane, Shinnecock Hills, 11968, Suffolk County on Old Fort Pond.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0591RamStarRealtyLLC.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or September 18, 2020.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2020-0610

Date of Issuance – August 19, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2020-0610 or the "Four Sparrows Marsh Restoration at Mill Basin", the applicant New York City Department of Parks and Recreation, is proposing to restore the Four Sparrow Marsh Park including: focused debris removal to address ongoing habitat loss and peat compaction; The restoration of elevations to an elevation that supports native marsh vegetation, as determined through biological benchmarks, by placing clean sand within identified sections marsh; and planting/restoration of native marsh vegetation within all sections of marsh where elevations have been restored. Finally, portions of the Belt Parkway right-of-way (ROW) will be planted with native trees and shrubs. The proposed location of the project is at Flatbush Avenue and Belt Parkway, Brooklyn, Kings County, Mill Basin.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0610_FourSparrowsMarsh_App.pdf

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, September 18, 2020.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2020-0611

Date of Issuance – August 19, 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-2020-0611, Jeff and Shari Aronson are proposing to construct a new dock consisting of a 4' x 19' low-profile catwalk with an attached 4' x 14' kayak rack attached. A 4' x 14' ramp and a 6' x 20' float. Also, proposed are three 4" x 6" tie off piles. The project is located at 117 Cobb Isle Road, Water Mill, NY 11976, Suffolk County located on Mecox Bay.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0611Aronson.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 September 3, 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.

2020-0330 Matter of Rose D. Luna, 42 Camille Lane, East Patchogue, NY 11772, for a variance concerning safety requirements, including ceiling height and the height under a girder. Involved is an existing one family dwelling located at 42 Camille Lane, East Patchogue, Town of Brookhaven, NY 11772 County of Suffolk, State of New York.

2020-0342 Matter of Tarbet And Lester, PLLC, Jonathan Tarbet, 132 N. Main St., First Fl., East Hampton, NY 11937, for an appeal concerning safety requirements, with respect to a fire apparatus access road. Involved is a fire department's access to single family dwellings located at 105 Main Street, Village of East Hampton, NY 11937 County of Suffolk, State of New York.

2020-0344 Matter of Nina Bahazhevskia, 97 Princeton Avenue, Hewlett, NY 11557, for a variance concerning safety requirements, including ceiling height and the height under a girder. Involved is an existing one family dwelling located at 97 Princeton Avenue, Hewlett, Town of Hempstead, NY 11557 County of Nassau, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2020-0343 In the matter of Crouse Hospital, Nathan Bliss, 736 Irving Avenue, Syracuse, NY 13210, for a variance concerning building and plumbing code requirements including to not provide privacy in patient screening toilet rooms to allow staff visibility.

Involved is the construction of a two story medical office building for Crouse Hospital Addiction Treatment Program, located at 2775 Erie Boulevard East, City of Syracuse, County of Onondaga, New York.

PUBLIC NOTICE

Department of Taxation and Finance
Interest Rates

The Commissioner of Taxation and Finance hereby sets the interest rates for the months of October, November and December 2020 pursuant to Tax Law sections 697(j) and 1096(e), as follows:

For purposes of section 697(j) the overpayment rate of interest is set at 2 percent per annum, and the underpayment rate of interest is set at 7.5 percent per annum. For purposes of section 1096(e), the overpayment rate of interest is set at 2 percent per annum, and the underpayment rate of interest is set at 7.5 percent per annum. (The underpayment rates set pursuant to sections 697(j) and 1096(e) may not be less than 7.5 percent per annum.) Pursuant to Tax Law section

1145(a)(1), the underpayment rate for State and local sales and use taxes administered by the Commissioner of Taxation and Finance is 14.5 percent per annum. The underpayment rate for the special assessments on hazardous waste imposed by section 27-0923 of the Environmental Conservation Law is 15 percent.

For the interest rates applicable to overpayments (refunds) and underpayments (late payments and assessments) of the following taxes administered by the Commissioner of Taxation and Finance for the period October 1, 2020 through December 31, 2020, see the table below:

10/1/20 - 12/31/20
Interest Rate Per
Annum
Compounded Daily

Commonly viewed tax types	Refunds	Late Payments & Assessments
Income **	2%	7.5%
Sales and use	2%	14.5% *
Withholding	2%	7.5%
Corporation **	2%	7.5%
All other tax types	Refunds	Late Payments & Assessments
Alcoholic Beverage	2%	7.5%
Beverage Container Deposits	2%	7.5%
Cigarette	NA	7.5%
Diesel Motor Fuel	2%	7.5%
Estate	2%	7.5%
Fuel Use Tax	***	***
Generation-Skipping Transfer	2%	7.5%
Hazardous Waste	2%	15%
Highway Use	2%	7.5%
Medical Marihuana	2%	7.5%
New York City Taxicab and Hail Vehicle Trip Tax	2%	7.5%
Metropolitan Commuter Transportation Mobility Tax	2%	7.5%
Mortgage Recording	2%	7.5%
Motor Fuel	2%	7.5%
Opioid Excise Tax	2%	7.5%
Paper Carryout Bag Reduction Fee	2%	14.5%*
Petroleum Business	2%	7.5%
Real Estate Transfer	2%	7.5%
Tobacco Products	NA	7.5%
Transportation Network Company Assessment	2%	7.5%
Waste Tire Fee	2%	7.5%
Wireless Communications Surcharge	2%	14.5%*

* The Tax Law requires the interest rate on sales tax assessments or late payments to be set at 14-1/2% for this quarter. However, if the Commissioner determines that the failure to pay or the delay in payment is due to reasonable cause and not willful neglect, the Commissioner may impose interest at the corporation tax late payment and assessment rate. That rate is 7.5% for this quarter.

** There are a number of state and local governmental bodies that have interest rates tied to the overpayment and underpayment rates contained in either section 697(j) (Income Tax) or section 1096(e) (Corporation Tax) of the Tax Law. For purposes of section 697(j) and section 1096(e) of the Tax Law, the overpayment rate for this period is 2%. For purposes of section 697(j) of the Tax Law, the underpayment rate for this period is 7.5%. For purposes of section 1096(e) of the Tax Law, the underpayment rate for this period is 7.5%.

*** Under section 527(f) of the Tax Law, the interest rates relating to the Fuel Use tax are set pursuant to the International Fuel Tax Agreement (IFTA). For more information regarding IFTA interest rates, see www.iftach.org

For further information contact: Kathleen Chase, Office of Counsel, Department of Taxation and Finance, W. A. Harriman Campus, Albany, NY 12227, (518) 530-4153

For rates for previous periods, visit the Department of Taxation and Finance website: www.tax.ny.gov/pay/all/interest_indexes/int-all-years.htm

EXECUTIVE ORDERS

Executive Order No. 202.53: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

*/s/ Melissa DeRosa
Secretary to the Governor*

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 202.22, through 202.26, and including 202.32, except for the provision authorizing the extension of payment of sales and use taxes without penalty by the Commissioner of Tax and Finance, 202.33, 202.34, and 202.35 as contained in Executive Order 202.44 and Executive Order 202.45 until August 20, 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 20, 2020:

- The directive contained in Executive Order 202.45, which extended the provisions of Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13, 202.14, 202.28, 202.31, 202.34, 202.35 and 202.41 which each closed or otherwise restricted public or private businesses or places of public accommodation, and allowed regions to enter Phase Four of the State's reopening so long as the prescribed public health and safety metrics set by the Department of Health have been met, is hereby continued until and unless later amended or extended by a future Executive Order, provided that as of July 20, 2020 the New York City region is deemed to have met the prescribed public health and safety metrics required for Phase Four industries to reopen, further provided, however, that indoor common portions of retail shopping malls and places of low-risk indoor arts and entertainment continue to be closed in such region.
- In addition, the directive contained in Executive Order 202.50, that allowed indoor common portions of retail shopping malls to open in regions that have met the public health and safety metrics to enter Phase Four of the State's reopening, is hereby amended to provide that indoor common portions of shopping malls continue to be closed in the New York City region.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-first of July in the year two thousand twenty.

BY THE GOVERNOR
/S/ Andrew M. Cuomo

