
NEW YORK STATE

REGISTER

INSIDE THIS ISSUE:

- Residential and Non-Residential Services to Victims of Domestic Violence
- Standard Conditions of Release Parole Revocation Dispositions
- Toll Rate Adjustments on the New York State Thruway System

Regulatory Agenda
Rule Review

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 March 8, 2020
- the 45-day period expires on February 22, 2020
- the 30-day period expires on February 7, 2020

**ANDREW M. CUOMO
GOVERNOR**

**ROSSANA ROSADO
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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Albany, NY 12231-0001
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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)

Rule Making Activities

Agriculture and Markets, Department of

1 / Control of the European Cherry Fruit Fly (A)

Bridge Authority, New York State

1 / A Proposal to Amend the NYS Bridge Authority Toll Schedule (P)

3 / Toll Collection and Violations (P)

Children and Family Services, Office of

4 / Residential and Non-Residential Services to Victims of Domestic Violence (RP)

Corrections and Community Supervision, Department of

8 / Standard Conditions of Release Parole Revocation Dispositions (A)

Financial Services, Department of

9 / Certification of Compliance, Due Date (P)

Gaming Commission, New York State

10 / Remove Obsolete Reference to Safety Vest Weight (A)

10 / Add Racetrack Operator to Terms Defined in Thoroughbred Rules (A)

10 / Add Racetrack Operator to Terms Defined in Harness Racing Rules (A)

10 / Permit Thoroughbred Horses with Digital Tattoos to Race in New York (P)

Health, Department of

11 / Notice of expiration

Public Service Commission

11 / Submetering of Electricity (A)

11 / Proposed Tariff Revisions and Clarifications for the Summer 2020 Capability Period (P)

11 / Request for Waiver of 16 NYCRR Section 96.5(k)(3) (P)

12 / Modifying RG&E's DLM Dispatch Threshold to Improve the Commercial System Relief Program (P)

12 / Proposed Transfer of Water Supply Assets and Dissolution of the Company (P)

State University of New York

13 / Limitations on Operating Costs for Purposes of State Financial Assistance (P)

Thruway Authority, New York State

13 / Toll Rate Adjustments on the New York State Thruway System (P)

Hearings Scheduled for Proposed Rule Makings / 17

Action Pending Index / 19

Regulatory Agenda

65 / Education Department

68 / Environmental Conservation, Department of

78 / Housing and Community Renewal, Division of

Rule Review

79 / Adirondack Park Agency

79 / Environmental Conservation, Department of

82 / Public Service Commission

Advertisements for Bidders/Contractors

83 / Sealed Bids

Miscellaneous Notices/Hearings

87 / Notice of Abandoned Property Received by the State Comptroller

87 / Public Notice

RULE MAKING ACTIVITIES

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

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

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

Department of Agriculture and Markets

NOTICE OF ADOPTION

Control of the European Cherry Fruit Fly

I.D. No. AAM-21-19-00002-A

Filing No. 1167

Filing Date: 2019-12-24

Effective Date: 2020-01-08

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

Action taken: Addition of Part 128 to Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 18, 164 and 167

Subject: Control of the European Cherry Fruit Fly.

Purpose: To help control the spread of the European Cherry Fruit Fly (ECFF), which renders cherries unmarketable if they are infested.

Text or summary was published in the May 22, 2019 issue of the Register, I.D. No. AAM-21-19-00002-EP.

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

Revised rule making(s) were previously published in the State Register on October 16, 2019.

Text of rule and any required statements and analyses may be obtained from: Christopher Logue, Director, Division of Plant Industry, New York State Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235, (518) 457-2087, email: christopher.logue@agriculture.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2022, 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.

New York State Bridge Authority

PROPOSED RULE MAKING HEARING(S) SCHEDULED

A Proposal to Amend the NYS Bridge Authority Toll Schedule

I.D. No. SBA-01-20-00004-P

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

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

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

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

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

Public hearing(s) will be held at: 7:00 p.m., March 9, 2020 at Poughkeepsie Grand Hotel, 40 Civic Center Plaza, Palm Court Rm., Poughkeepsie, NY.

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

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

Text of proposed rule: Amend Title 21 NYCRR Section 201.2 entitled "Bridge tolls" to read as follows:

(a) Tolls shall be charged for each vehicle as classified below for each eastbound passage over each of the vehicular bridges controlled by the authority in accordance with the following schedule. Discounted tolls may be offered for fares paid through the E-ZPass electronic toll system provided that such discounted tolls shall expire December 31st of each year, except and to the extent extended annually by the authority. *Discounts for fares paid through the E-ZPass electronic toll system are subject to the requirements of section 201.6 of this Part.*

| Vehicle class | Vehicle description | Axles | Standard toll | E-ZPass discounted toll |
|---------------|--|-------|--|--|
| 1L. | All vehicles with two or fewer axles, nothing in tow, and a height of less than 7' 6" (non-commercial class) | 2 | [\$1.50] \$1.75 effective on the effective date of this rule; \$1.75 effective May 1, 2021; \$2.00 effective May 1, 2022; \$2.15 effective May 1, 2023 | [\$1.25] \$1.35 effective on the effective date of this rule; \$1.45 effective May 1, 2021; \$1.55 effective May 1, 2022; \$1.65 effective May 1, 2023 |

| Vehicle class | Vehicle description | Axles | Standard toll | E-ZPass discounted toll | Vehicle class | Vehicle description | Axles | Standard toll | E-ZPass discounted toll |
|---------------|--|-------|---|---|---------------|---|-------|--|---|
| 2H. | [Two axle v] Vehicles with [more than four tires]two or fewer axles, nothing in tow, and a height of 7" 6" or more | 2 | [\$5.00] \$6.00 effective on the effective date of this rule; \$6.00 effective May 1, 2021; \$7.00 effective May 1, 2022; \$8.00 effective May 1, 2023 | [\$4.50] \$4.90 effective on the effective date of this rule; \$5.30 effective May 1, 2021; \$5.70 effective May 1, 2022; \$6.10 effective May 1, 2023 | 8H. | Each additional axle on or attached to vehicles in classes [2 through 6] 2H, 3H, 4H, 5H, or 6H | 1 | [\$2.50] \$3.00 effective on the effective date of this rule; \$3.00 effective May 1, 2021; \$3.50 effective May 1, 2022; \$4.00 effective May 1, 2023 | [\$2.25] \$2.45 effective on the effective date of this rule; \$2.65 effective May 1, 2021; \$2.85 effective May 1, 2022; \$3.05 effective May 1, 2023 |
| 3H. | [Three axle v] Vehicles or vehicle combinations with three axles and a height 7" 6" or more | 3 | [\$7.50] \$9.00 effective on the effective date of this rule; \$9.00 effective May 1, 2021; \$10.50 effective May 1, 2022; \$12.00 effective May 1, 2023 | [\$6.75] \$7.35 effective on the effective date of this rule; \$7.95 effective May 1, 2021; \$8.55 effective May 1, 2022; \$9.15 effective May 1, 2023 | 9. | Commuter discount | 2 | Not eligible | [As] Subject to the conditions described in section 201.5 of this Part, \$1.10 effective on the effective date of this rule; \$1.20 effective May 1, 2021; \$1.30 effective May 1, 2022; \$1.40 effective May 1, 2023 |
| 4H. | [Four-axle v] Vehicles or vehicle combinations with Four or more axles and a height 7'6" or more | 4 | [\$10.00] \$12.00 effective on the effective date of this rule; \$12.00 effective May 1, 2021; \$14.00 effective May 1, 2022; \$16.00 effective May 1, 2023 | [\$9.00] \$9.80 effective on the effective date of this rule; \$10.60 effective May 1, 2021; \$11.40 effective May 1, 2022; \$12.20 effective May 1, 2023 | 10. | Reserved | | | |
| 5H. | [Five-axle v] Vehicles or Vehicle combinations with 5 axles and a height of 7'6" or more | 5 | [\$12.50] \$15.00 effective on the effective date of this rule; \$15.00 effective May 1, 2021; \$17.50 effective May 1, 2022; \$20.00 effective May 1, 2023 | [\$11.25] \$12.25 effective on the effective date of this rule; \$13.25 effective May 1, 2021; \$14.25 effective May 1, 2022; \$15.25 effective May 1, 2023 | 11. | Vehicles owned and operated by the authority, by authority employees or contractors, and emergency service vehicles or other vehicles which by law or authority resolution are treated as class 11 vehicles | | No charge | |
| 6H. | [Six-axle v] Vehicles or vehicle combinations with 6 axles and a height of 7'6" or more | 6 | [\$15.00] \$18.00 effective on the effective date of this rule; \$18.00 effective May 1, 2021; \$21.00 effective May 1, 2022; \$24.00 effective May 1, 2023 | [\$13.50] \$14.70 effective on the effective date of this rule; \$15.90 effective May 1, 2021; \$17.10 effective May 1, 2022; \$18.30 effective May 1, 2023 | 12. | Each additional axle on or attached to vehicles in class 11 | 1 | No charge | |
| 7L. | Each additional axle attached to vehicles in class 1L (e.g. attached trailers; non-commercial class) | 1 | [\$1.00] \$1.25 effective on the effective date of this rule; \$1.25 effective May 1, 2021; \$1.50 effective May 1, 2022; \$1.70 effective May 1, 2023 | [\$0.90] \$1.00 effective on the effective date of this rule; \$1.10 effective May 1, 2021; \$1.20 effective May 1, 2022; \$1.30 effective May 1, 2023 | | | | | |

(b) Pedestrians and self-propelled bicycles shall not be subject to tolls on bridges and facilities where such access and/or operation is permitted.

Amend Title 21 NYCRR Section 201.5 entitled "Commuter discount" to read as follows:

(a) The E-ZPass commuter discount shall provide for a maximum discounted toll [of 1.00] as stated for Vehicle Class 9 in Section 201.2 (a), in lieu of the otherwise applicable Class 1L toll, provided that the E-ZPass account holder agrees to allow their account to be charged for a minimum of 17 tolls per monthly period established by the authority.

(b) The Commuter discount plan [shall be available only for privately-registered vehicles and individually owned or leased pick-up trucks through the E-ZPass system] applies to eligible vehicles equipped with E-ZPass tags that are issued to customers who apply, qualify and enroll in such plan. Vehicles eligible for the commuter discount are those privately registered class 1L vehicles held in the name of or leased to an individual or two individuals not constituting a business entity.

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

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

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

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.

**PROPOSED RULE MAKING
HEARING(S) SCHEDULED**

Toll Collection and Violations

I.D. No. SBA-01-20-00005-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 201.1; addition of sections 201.7 and 201.8 to Title 21 NYCRR.

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

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

Public hearing(s) will be held at: 7:00 p.m., March 9, 2020 at Poughkeepsie Grand Hotel, 40 Civic Center Plaza, Palm Court Rm., Poughkeepsie, NY.

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

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

Text of proposed rule: Amend Title 21 NYCRR Section 201.1 entitled "Payment of tolls" to read as follows:

No vehicle shall cross the bridges without the payment of the toll prescribed by the authority at the regularly established places for the collection of such tolls. Except where the authority has designated dedicated E-ZPass lanes or video toll lanes without gates where signage directs vehicles not to stop, all vehicles traveling eastbound shall stop at an operating toll booth and pay the appropriate toll according to these rules and regulations unless otherwise directed by an authority agent or employee. Where the authority has established a designated dedicated video toll lane, payment of the required crossing charges shall be made by mail as directed by the authority. The evasion, nonpayment, payment in other than lawful currency, payment of less than the full amount required, or any other failure to comply with the established tolls of the authority is prohibited. Payment of crossing charges by prepaid E-ZPass shall be made by means of a properly mounted E-ZPass tag of the proper class that is classified as valid at the time of the toll transaction. Payment of crossing charges by fare media other than prepaid E-ZPass shall be made at the place and time and in the manner established for the collection of such crossing charge.

Amend Title 21 NYCRR by inserting a new subsection 201.7 entitled "Use of Vehicular crossings" to read as follows:

201.7. Use of vehicular crossings.

The use of vehicular crossings by any vehicle or other form of traffic shall be and shall be deemed to be conditioned upon payment of the prescribed tolls and upon observance of the rules and regulations of the Bridge authority. All rights, privileges, licenses and permits, express or implied, for the use of said vehicular crossings by any vehicle or other form of traffic, granted by the Bridge authority, shall be and shall be deemed to be revocable, and each such right, privilege, license or permit, at the option of the Bridge authority, shall be and shall be deemed to be revoked and cancelled by and upon the breach of any rule or regulation or of violation of any applicable laws or ordinances while in or upon the said vehicular crossings. Vehicles violating any of the rules and regulations of the authority, as well as other vehicles owned or operated by the owner and/or operator of such vehicles, may be excluded from vehicular crossings permanently or for a specified time.

Amend Title 21 NYCRR by inserting a new subsection 201.8 entitled "Toll Violation Enforcement" to read as follows:

201.8 Toll Violation Enforcement.

(a) The owner, as defined in Public Authorities Law section 2985(3), of any vehicle crossing a bridge without paying the crossing charge prescribed by the authority at the place and time and in the manner established for the collection of such crossing charge commits a violation of toll collection regulations.

(1) Payment of crossing charges by E-ZPass shall be made by means of a properly mounted E-ZPass tag of the proper class that is classified as valid at the time of the toll transaction. For each such violation, the owner shall be charged the full undiscounted crossing charge for fare media other than E-ZPass. Nothing in this section shall be construed to limit the liability of an E-ZPass account holder for administrative violation fees established and imposed by the E-ZPass agreement for failure to pay

crossing charges by means of a properly mounted E-ZPass Tag of the proper class that is classified as valid at the time of the transaction.

(2) Payment of crossing charges by fare media other than E-ZPass shall be made at the place and time and in the manner established for the collection of such crossing charge. Nothing in this section shall be construed to limit the obligation of a video account holder for administrative violation fees established and imposed by the applicable video account agreement for failure to pay the crossing charges at the place and time and in the manner established for the collection of such crossing charges.

(b) The owner of any vehicle which violates toll collection regulations by crossing a bridge without paying the crossing charge prescribed by the authority at the place and time and in the manner established for the collection of such crossing charge shall be liable to the authority for an administrative fee, known as the toll violation fee. The toll violation fee shall be in the amount of \$50, for each such violation unless a fee of less than \$50 is set by the authority in its sole discretion. The toll violation fee shall be in addition to the applicable crossing charge and any fines and penalties otherwise prescribed by law or by agreement.

(c) A Notice of Violation shall be sent by the authority's authorized agent ("authorized agent") to the individual or business alleged to be liable for the toll violation as owner and shall contain:

(1) the name and address of the individual or business alleged to be liable for the toll violation as owner;

(2) the registration number and state of the vehicle alleged to have been involved in the violation;

(3) the location, date and time of each use of the facility that forms the basis of such violation;

(4) the amount of the assessed toll and toll violation fee; and

(5) an image of the license plate of the vehicle being used or operated on the toll facility, provided that an image of each such license plate in the Notice of Violation shall be provided by the authorized agent upon request.

(d) The individual or business alleged to be liable for the toll violation as owner may dispute the violation by submitting a Declaration of Dispute to the authorized agent at the time and place and in the manner established in the Notice of Violation together with a certification establishing the basis for dispute as follows. Such toll violation and associated toll violation fee shall be dismissed if:

(1) The individual or business was not the registered owner of the vehicle at the time of the toll transaction that forms the basis of such alleged violation and submits to the authorized agent: (i) a copy of the plate surrender receipt from the Department of Motor Vehicles; (ii) proof of sale of the vehicle; (iii) a copy of the report to a law enforcement agency that the plate was lost; and/or (iv) a copy of the report to a law enforcement agency that the vehicle was stolen; or

(2) The toll was paid by E-ZPass and the toll posted to an E-ZPass Account and submits to the authorized agent a copy of the E-ZPass statement showing the toll posting; or

(3) The toll was paid in cash at the time and submits to the authorized agent a copy of the toll receipt; or

(4) The registered owner's vehicle was not present at the facility at the time of the violation(s); or

(5) For other good cause shown.

(e) If the owner is a vehicle rental or leasing company which seeks to perform a Transfer of Responsibility to the vehicle lessee or renter, the owner shall submit to the authorized agent at the time and place and in the manner established in the Notice of Violation a signed lease or rental agreement and certification of the name and address of the lessee or renter of the vehicle at the time of the toll transaction that forms the basis for the violation. A Notice of Violation or toll invoice shall be sent by the authorized agent to such lessee or renter within forty-five days of receipt of the signed lease or rental agreement and certification and such lessee or renter shall be deemed the owner of such vehicle and shall be liable for the payment of tolls and any toll violation fees.

(f) The authorized agent shall send the owner a written determination of the Declaration of Dispute under subdivision (d) of this section.

(1) The owner may request a review by the authority of the authorized agent's determination of the Declaration of Dispute by submitting a Request for Review to the authority at the place and time and in the matter established in the authorized agent's written determination of the Declaration of Dispute.

(2) The authorized agent's determination of the Declaration of Dispute under subdivision four shall be final and binding on the owner unless overturned by the authority upon review.

(3) The authority's determination of the owner's Request for Administrative Review shall be final and binding on the owner unless overturned by a Court of competent jurisdiction of the State of New York, County of Ulster, under Article 78 of the New York Civil Practice Law and Rules or a United States Court located in Albany, New York, under the procedures and laws applicable in that court.

(g) *The individual or business alleged to be liable for each toll violation as owner shall be liable for each unpaid toll and toll violation fee unless: (i) such unpaid toll and/or toll violation fee has been dismissed under subdivision (d) or subdivision (f) of this section; (ii) there has been a Transfer of Responsibility under subdivision (e) of this section; or (iii) after payment of such toll, the toll violation fee has been dismissed or reduced under the Fee Waiver Policy adopted by the authority. Such owners who fail to pay each toll and toll violation fee in response to a Notice of Violation may also have their vehicle registrations suspended under vehicle and traffic law section 510(3)(d) and implementing regulations.*

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

Data, views or arguments may be submitted to: Brian Bushek, Treasurer and CFO, New York State Bridge Authority, Mid-Hudson Bridge Toll Plaza, 475 Rt. 44/55, Highland, NY 12528, (845) 691-7245, email: info@nysba.ny.gov

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

Regulatory Impact Statement

1. **Statutory authority:** Public Authority Law (PAL) §§ 528(8), and 538 authorize the New York State Bridge Authority (Authority) to charge tolls for the use of the bridges and to make rules and regulations for the preservation and use of the bridges and for the payment of tolls. PAL § 528(15) provides that the Authority may do all things necessary or convenient to carry out the powers expressly given in PAL Title 2.

2. **Legislative objectives:** The proposed rule will modify the Authority's collection procedures to provide for collection via EZ-Pass and tolls by mail, and to revise toll violation enforcement regulations to add provisions prescribing the procedural protections for owners seeking to have their tolls and unpaid violation fees dismissed or transferred from vehicle rental and leasing companies to renters and lessees.

3. **Needs and benefits:** This rule is being adopted in part to clarify the means of toll payment and collection. The Authority currently allows for the use of E-ZPass tags to pay tolls and allows vehicles without E-ZPass tags to travel through designated cash lanes. At the time of implementation of cashless tolling at Authority vehicular crossings, the means of payment will become E-ZPass and tolls by mail. The rule is necessary to inform users of the Authority facilities of how they will be charged upon implementation of tolls by mail.

The proposed enacts due process procedures as part of the Authority's toll violation enforcement regulations to give owners an opportunity to have their toll violations dismissed or transferred before being subject to a \$50 violation fee per violation. For persistent or habitual violators, the DMV's existing regulations allow for the suspension vehicle registrations of owners who fail to pay their tolls and violation fees or who have them dismissed or transferred in response to five violation notices within 18 months under DMV's statutory authority to suspend registrations for habitual or persistent violators.

Authority toll revenues are used to maintain and improve its bridges and to support bond issues for that purpose. Effectively deterring toll evasion prevents toll violators from passing the burden of maintaining Authority infrastructure to users who do pay their tolls. This proposal establishes a meaningful process to deter toll evasion, encourage persons to pay delinquent tolls, and provide procedural protections for users.

4. Costs:

a. to regulated parties: This proposal does not impose new costs on individuals utilizing Authority facilities who pay tolls in a timely fashion.

b. to the agency, the State, and local governments: This proposed rule will impose no costs on state or local governments. NYSBA will incur administrative costs to implement new procedures.

c. source: The information above is based on the Authority's records and experience.

5. **Local government mandates:** The proposed rule will not impose any program, service, duty, or responsibility on local governments.

6. **Paperwork:** The proposed rule will require the Authority to implement tolls by mail violation enforcement processes and procedures and develop an appeal procedure with appropriate forms.

7. **Duplication:** This proposed regulation does not duplicate or conflict with any State or Federal rule.

8. **Alternatives:** A no action alternative was not considered. There were no other significant alternative proposals to be considered.

9. **Federal standards:** The rule does not exceed any Federal standards.

10. **Compliance schedule:** Implementation of this regulation is scheduled for May of 2020.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis for Small Business and Local Governments is not required for this rulemaking proposal because it will not

adversely affect small business, local governments, rural areas or jobs. The proposed rulemaking would clarify the requirement to, and means of, paying tolls for use of the Authority's vehicular bridges, as well as the Authority's right to exclude the vehicles of violating owners and operators from using said vehicular crossings. The proposed rulemaking would also strengthen the Authority's toll violation enforcement regulations by enacting due process procedures and policies to give owners an opportunity to have their violation dismissed or transferred before being subject to a \$50 violation fee per violation. Due to its narrow focus, this rule will not impose an adverse economic impact or reporting, record-keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.

Rural Area Flexibility Analysis

A Rural Flexibility Analysis is not required for this rulemaking proposal because it will not adversely affect rural areas. The proposed rulemaking would clarify the requirement to, and means of, paying tolls for use of the Authority's vehicular bridges, as well as the Authority's right to exclude the vehicles of violating owners and operators from using said vehicular crossings. The proposed rulemaking would also strengthen the Authority's toll violation enforcement regulations by enacting due process procedures and policies to give owners an opportunity to have their violation dismissed or transferred before being subject to a \$50 violation fee per violation. Due to its narrow focus, this rule will not impose an adverse economic impact or reporting, record-keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities.

Job Impact Statement

A Job Impact Statement is not required for this rulemaking proposal because it will not adversely affect small business, local governments, rural areas or jobs. The proposed rulemaking would clarify the requirement to, and means of, paying tolls for use of the Authority's vehicular bridges, as well as the Authority's right to exclude the vehicles of violating owners and operators from using said vehicular crossings. The proposed rulemaking would also strengthen the Authority's toll violation enforcement regulations by enacting due process procedures and policies to give owners an opportunity to have their violation dismissed or transferred before being subject to a \$50 violation fee per violation. Due to its narrow focus, this rule will not impose an adverse economic impact or reporting, record-keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities.

Office of Children and Family Services

REVISED RULE MAKING NO HEARING(S) SCHEDULED

Residential and Non-Residential Services to Victims of Domestic Violence

I.D. No. CFS-51-18-00010-RP

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

Proposed Action: Amendment of Parts 452, 453, 454, 455 and 462 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d), 34(3)(f), 459-b and 459-c

Subject: Residential and non-residential services to victims of domestic violence.

Purpose: To conform existing regulations to State and Federal laws regarding services to victims of domestic violence.

Substance of revised rule (Full text is posted at the following State website: <https://ocfs.ny.gov/main/legal/Regulatory/pc/>): The Office of Children and Family Services (OCFS) reviewed existing regulations related to programs providing services (residential and non-residential) to victims of domestic violence. The purpose of the review is to bring the current regulations into compliance with current federal and state statutes and, as applicable, to provide clarification to existing requirements.

Overall

- Clean up of grammar/spelling errors
 - Updated all references of “department” to “Office”
- Part 452 – General Provisions
- Clarification of existing definitions and new terms added.
 - Language added to provide clarification of the roles and responsibilities of Board of Directors.
 - Clarification of enforcement actions that may be taken by OCFS.
 - Clarification of rights and responsibilities for residents and programs.
 - Definitions, admissions standards, rights and responsibilities related to service animals and therapy dogs.
 - Clarification related to the confidentiality of personally identifying information.
 - Clarification of record retention requirements.
 - Language added to mandate adverse childhood experiences (ACEs) training for direct care workers.
 - Clarification of personnel requirements not previously covered in the 2017 adopted regulations related to background checks of publicly funded emergency shelters for families and children.
 - Emergency Core Services repealed from respective Part 453, Part 454 and Part 455 and added as new Section 452.12 to provide consistency of core services across all modalities.
- Part 453 (Shelters/Mix Occupancy Shelter), Part 454 (Safe Home Networks), Part 455 (Sponsoring Agencies)
- Environmental Standards – applicable changes made to physical plant requirements to better match existing fire, health, and safety standards and statute.
 - Staffing – clarifying language for various shifts.
- Part 462 – Non-Residential Services for Victims of Domestic Violence
- Clarification of child abuse and maltreatment reporting requirements.
 - Clarification of the confidentiality of personally identifying information.
 - Staffing – language added regarding mandated ACEs training and general staff training.
 - Clarification of emergency core services.

Revised rule compared with proposed rule: Substantial revisions were made in Parts 452, 453, 454, 455 and 462.

Text of revised proposed rule and any required statements and analyses may be obtained from Leslie Robinson, Senior Attorney, Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (518) 486-9563, email: regcomments@ocfs.ny.gov

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

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

Revised Regulatory Impact Statement

1. Statutory authority:

Section 20(3)(d) of the Social Services Law (SSL) authorizes the Office of Children and Family Services (OCFS or the Office) to establish rules and regulations to carry out its powers and duties pursuant to the provisions of the SSL.

Section 459-b of the SSL authorizes the Office to establish regulations governing residential programs for victims of domestic violence.

Section 459-c of the SSL authorizes the Office to establish regulations governing non-residential programs for victims of domestic violence.

Section 459-b of the SSL establishes that if a victim of domestic violence has a service animal or therapy dog, as such terms are defined in section 123-b and section 108 of the agriculture and markets law, respectively, such service animal or therapy dog shall be allowed to accompany the victim at the residential program for victims of domestic violence. Chapter 7 of the Laws of 2016 further articulate that if the animal poses a direct threat to health and safety of others the residential program must work to providew off-site animal facility.

Section 20-d of the SSL requires all direct care employees to participate in training on Adverse Childhood Experiences (ACES).

2. Legislative objectives:

The proposed changes to the regulations are necessary to further the legislative objective for specialized supports for victims of domestic violence and their children. These specialized supports are intended to enhance safety and well-being for victims of domestic violence and their children. The Office’s objective in proposing repealing and replacing the current regulations governing residential programs for victims of domestic violence is to strengthen health and safety standards, correct conflicting regulatory language, update the regulations with recent changes made to SSL and NYS Building Code, and to make the regulations easier to understand. The Office’s objective in proposing changes to the current regulations governing non-residential programs for victims of domestic violence is to strengthen confidentiality and safety standard, correct conflicting regulatory language, update the regulations with recent changes made to SSL, and to make the regulations easier to understand.

3. Needs and benefits:

The Office reviewed existing regulations related to programs providing services (residential and non-residential) to victims of domestic violence. The purpose of the review was to evaluate what changes were needed to bring the current regulations into compliance with current federal/state statute and as applicable, provide clarification to existing requirements, and eliminate duplicative regulatory requirements.

The changes include:

Overall

- Clean up of grammar/spelling errors
 - Updated all references of “department” to “Office”
- Part 452 – General Provisions
- Clarification of existing definitions and new terms added (specifically for: person with a disability, personally identifying information, publicly funded emergency shelter for families with children, reasonable accommodations for a disability, service animal, and therapy dog).
 - Language added to provide clarification of the roles and responsibilities of Board of Directors.
 - Clarification of enforcement actions that may be taken by the Office.
 - Clarification of rights and responsibilities for residents and programs.
 - Definitions, admissions standards, rights and responsibilities related to service animals and therapy dogs.
 - Clarification related to the confidentiality of personally identifying information.
 - Clarification of record retention requirements.
 - Clarification of personnel requirements not previously covered in the 2017 adopted regulations related to background checks of publicly funded emergency shelters for families and children.
 - Language added mandating training in adverse childhood experiences (ACEs) for direct care workers.
 - Emergency Core Services repealed from respective Part 453, Part 454 and Part 455 and added as new Section 452.12 to provide consistency of core services across all modalities.

Part 453 (Shelters/Mix Occupancy Shelter), Part 454 (Safe Home Networks), Part 455 (Sponsoring Agencies)

- Environmental Standards – applicable changes made to physical plant requirements to better match existing fire, health, and safety standards and statute.

- Staffing – clarifying language for various shifts.
- Part 462 – Non-Residential Services for Victims of Domestic Violence
- Clarification of child abuse and maltreatment reporting requirements.
 - Clarification of the confidentiality of personally identifying information.

- Staffing – language added regarding staff training including mandated training in ACEs for direct care workers.

• Clarification of emergency core services.

The regulatory changes specific to service animals and therapy dogs are necessary to comply with Chapter 7 of the Laws of 2016, and changes to Social Services Law § 459-b which requires a service animal or therapy dog, as defined section 123-b and section 108 of Agricultural and Markets law, shall be allowed to accompany the victim of domestic violence into the residential program for victims of domestic violence, provided that the animal does not impose an undue burden on the residential program and the animal remains under the control of its handler. This includes providing notification to residents within one business day of admission of the rights and responsibilities. These rights and responsibilities indicate that a person with a disability has the right to have accompaniment of their service animal or therapy dog, and that reasonable efforts must be made to facilitate placement of the service animal or therapy dog at an off-site animal facility in the event the animal poses a direct threat to the health and safety of others.

Regulatory changes related to mandated training for direct care workers in ACEs are necessary to comply with Chapter 391 of the Laws of 2019.

Regulatory changes made to the physical plant standards (i.e. environmental standards) align with current standards in state and local building code. These changes include clarifying requirements for: smoke and carbon monoxide detectors, location for fire extinguishers, means of egress, minimal square footage for sleeping rooms (shelters and safe dwellings only), use of fireplace/woodstoves, cribs and bunk beds, and other miscellaneous safety items to ensure a safe space for infants and children.

4. Costs:

Costs attendant to the implementation of these regulations are anticipated to be nominal. There may be some nominal and non-quantifiable costs related to staff training. There are many no-cost training opportunities that domestic violence programs have access to including and not limited to: webinars from national domestic violence associations/organizations; sponsored trainings from Office of Children and Family Services, Office for the Prevention of Domestic Violence, New York State Coalition Against Domestic Violence; in-kind cross-training from community agencies (e.g. law enforcement, legal aid, job-training/

employment, etc.). In addition, several public and private grants assist in covering the cost of training. Lastly, residential and/or non-residential programs for victims of domestic violence may create their own in-house trainings that are specific to their internal policies/practice/protocols.

The regulatory requirements for service animals and therapy dogs should have no or minimal cost impact on the residential programs as the care and supervision of the animal falls to the handler of the animal. This includes toileting, feeding, grooming and veterinary care. There are existing resources available to assist agencies with accommodating persons with service animals and/or therapy dogs including private grants, that would assist with feeding, grooming and veterinary care.

There is not anticipated to be additional costs related to environmental standards as these are part of regular building construction, upkeep and maintenance.

5. Local government mandates:

The proposed regulations will only impose additional mandates on social services districts that operate residential or non-residential programs for victims of domestic violence. Presently, there is only one social services district that operates residential programs for victims of domestic violence and two districts that provide non-residential service directly.

6. Paperwork:

The proposed regulations do not add any new reporting requirements. The proposed regulations provide clarification for reporting suspected incidents of child abuse and/or maltreatment to align with changes in SSL which indicate that a mandated reporter must make a report directly to the Statewide Central Register (SCR).

The proposed regulations seek to alleviate current burdensome record retention requirements. Residential programs currently must maintain their records for as long as the residential program continues to operate and then an additional six years after the residential program ceases operations. This has resulted in residential programs with records going back up to 30 years. The changes allow for a shorter record retention period (i.e. six years) with conditions to start the record retention period over when a new incident of domestic violence occurs. The proposed regulations also incorporate stronger provisions to maintain confidentiality.

7. Duplication:

The proposed regulations eliminate duplicative regulatory requirements by condensing requirements that apply to all or more than one facility type. For example, personnel qualifications, staff training and emergency core services in Parts 453, 454, and 455 were repealed, consolidated and added to Part 452.

8. Alternatives:

There are no alternatives to the proposed regulations that would provide the same benefits to victims of domestic violence.

9. Federal standards:

The regulatory amendments do not conflict with any federal standards.

10. Compliance schedule:

The regulations will become effective immediately upon finalization.

Revised Regulatory Flexibility Analysis

1. Effect of rule:

Social services districts, residential programs for victims of domestic violence and non-residential programs for victims of domestic violence will be affected by the proposed regulations. There are 66 agencies operating 91 residential programs for victims of domestic violence and 82 non-residential programs for victims of domestic violence. There are 58 social services districts in New York State. One social services district operates two residential programs for victims of domestic violence and two local districts provide non-residential services directly. Of the 66 agencies providing residential services for victims of domestic violence, approximately half meet the definition of a small business.

2. Compliance requirements:

The regulations are necessary for the health, safety and well-being of victims of domestic violence and their minor children. Changes in the regulations are to bring current regulations into compliance with current federal and/or state statutory requirements and to provide clarification to existing requirements not previously covered in the 2017 adopted regulations pertaining to length of stay and background checks of publicly funded emergency shelters for families and children.

Regulatory changes in response to current federal and/or state statutory requirements include: clarifying when domestic violence victims with a disability to have their service animals and therapy dogs to accompany them into a residential program for victims of domestic violence; that services must be provided in a non-discriminatory manner to all victims, regardless race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex marital status or disability; the confidentiality of personally identifying information of victims of domestic violence; mandated training for direct care workers in adverse childhood experiences (ACEs); the provision of language access services to individuals who have limited English proficiency; and environmental standards for residential programs of victims of domestic violence as they pertain to health, sanitation, safety, and fire prevention.

Regulatory changes to existing regulations for the purpose of clarification include: permitting domestic violence programs to be referred to as domestic violence mixed occupancy shelters; articulating clearly the general provisions for operating certificates including enforcement actions that may be taken by the New York State Office of Children and Family Services (OCFS); general terms and conditions for not-for-profit organizations operating a residential program for victims of domestic violence; articulating a retention period of six years for operational and client records of residential programs for victims of domestic violence; requiring notification to the OCFS in addition to documenting reportable incidents that occur at a residential program for victims of domestic violence; condensing all regulatory requirements of residential programs for victims of domestic violence related to qualifications and training of staff under Part 452.11; condensing all regulatory requirements pertaining to the provision of emergency core services for victims residing in a residential program for victims of domestic violence under Part 452.12.

3. Professional services:

It is not anticipated that the proposed regulatory changes will create the need for any new professional services on the part of providers who are small businesses or local governments.

4. Compliance costs:

The regulatory requirements for service animals and therapy dogs should have no or minimal cost impact on the residential programs as the care and supervision of the animal falls to the handler of the animal. This includes toileting, feeding, grooming and veterinary care. There are existing resources available to assist agencies with accommodating persons with service animals and/or therapy dogs including private grants.

Costs related to general staff training are anticipated to be minimal as there are many no-cost training opportunities that domestic violence programs have access to, including and not limited to: webinars from national domestic violence associations/organizations; sponsored trainings from OCFS, Office for the Prevention of Domestic Violence (OPDV), New York State Coalition Against Domestic Violence (NYSCADV); in-kind cross-training from community agencies (e.g. law enforcement, legal aid, job-training/employment, etc.). In addition, several public and private grants assist in covering the cost of training. Lastly, residential and/or non-residential programs for victims of domestic violence may create their own in-house trainings that are specific to their internal policies/practice/protocols.

There are no anticipated additional costs related to environmental standards as these are part of regular building construction, upkeep and maintenance.

5. Economic and technological feasibility:

The proposed amendments would not have an adverse economic impact on social services districts, and would not require the hiring of additional staff.

6. Minimizing adverse impact:

When drafting these proposed regulatory changes, input was sought from residential and non-residential domestic violence service providers. As a result, some specific regulatory changes were drafted to minimize the adverse impact on programs in rural areas, including: modifying the requirement for a face-to-face interview prior to admission into a residential program, creating a record retention time frame, providing relief from the costs associated with long-term record retention (previously, there was no authorization to dispose of such records), and supporting language access as a required core service.

7. Small business and local government participation:

OCFS sought input regarding these proposed regulations with currently licensed/approved domestic violence programs in a series of regional forums, held in conjunction with NYSCADV, a membership agency which provides training, support, technical assistance and advocacy for residential programs for victims of domestic violence across New York State.

These forums occurred on the following dates and locations: August 9, 2016 in Batavia (Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Ontario, Schuyler, Seneca, Wayne, Wyoming and Yates counties); August 10, 2016, in Syracuse (Broome, Cayuga, Chenango, Cortland, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, St. Lawrence, Tioga, and Tompkins counties); September 15, 2016 in Albany (Albany, Clinton, Columbia, Delaware, Essex, Franklin, Fulton, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, and Washington counties); December 1, 2016 in Yonkers (Dutchess, Orange, Putnam, Sullivan, and Ulster counties).

A workgroup comprising of members from OCFS, NYSCADV and OPDV met regularly from January through March 2017. In addition, a webinar was held on September 8, 2017 for licensed/approved domestic violence providers, NYSCADV and OPDV to summarize the proposed changes to the regulations. A small workgroup was held December 19, 2017 and June 26, 2019 with OCFS Fire Safety Representatives specific to changes necessary to better meet existing fire, health and safety standards.

A public comment period held from December 19, 2018 – February 17,

2019. OCFS received comments from 10 contributors. OCFS met with NYSCADV on June 4, 2019 and June 18, 2019 to discuss their questions and feedback related to the public comments submitted by their agency.

Revised Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

Social service districts, residential programs for victims of domestic violence and non-residential programs for victims of domestic violence will be affected by the proposed regulations. There are 33 agencies in rural areas operating 38 residential programs for victims of domestic violence and 39 non-residential programs for victims of domestic violence. There are 44 social services districts in New York State located in rural areas.

2. Reporting, recordkeeping and compliance requirements; and professional services:

The regulations are necessary for the health, safety and well-being of victims of domestic violence and their minor children. Changes in the regulations are to bring current regulations into compliance with current federal and/or state statutory requirements and to provide clarification to existing requirements not previously covered in the 2017 adopted regulations pertaining to length of stay and background checks of publicly funded emergency shelters for families and children.

Regulatory changes in response to current federal and/or state statutory requirements include: clarifying when domestic violence victims with a disability to have their service animals and therapy dogs to accompany them into a residential program for victims of domestic violence; that services must be provided in a non-discriminatory manner to all victims, regardless race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex marital status or disability; the confidentiality of personally identifying information of victims of domestic violence; mandated training for direct care workers in adverse childhood experiences (ACEs); the provision of language access services to individuals who have limited English proficiency; and environmental standards for residential programs of victims of domestic violence as they pertain to health, sanitation, safety, and fire prevention.

Regulatory changes to existing regulations for the purpose of clarification include: permitting domestic violence programs to be referred to as domestic violence mixed occupancy shelters; articulating clearly the general provisions for operating certificates including enforcement actions that may be taken by the New York State Office of Children and Family Services (OCFS); general terms and conditions for not-for-profit organizations operating a residential program for victims of domestic violence; articulating a retention period of six years for operational and client records of residential programs for victims of domestic violence; requiring notification to OCFS in addition to documenting reportable incidents that occur at a residential program for victims of domestic violence; condensing all regulatory requirements of residential programs for victims of domestic violence related to qualifications and training of staff under Part 452.11; condensing all regulatory requirements pertaining to the provision of emergency core services for victims residing in a residential program for victims of domestic violence under Part 452.12.

3. Costs:

The regulatory requirements for service animals and therapy dogs should have no or minimal cost impact on the residential programs as the care and supervision of the animal falls to the handler of the animal. This includes toileting, feeding, grooming and veterinary care. There are existing resources available to assist agencies with accommodating persons with service animals and/or therapy dogs including private grants.

Costs related to general staff training are anticipated to be minimal as there are many no-cost training opportunities that domestic violence programs have access to including and not limited to: webinars from national domestic violence associations/organizations; sponsored trainings from the OCFS, Office for the Prevention of Domestic Violence (OPDV), New York State Coalition Against Domestic Violence (NYSCADV); in-kind cross-training from community agencies (e.g. law enforcement, legal aid, job-training/employment, etc.). In addition, several public and private grants assist in covering the cost of training. Lastly, residential and/or non-residential programs for victims of domestic violence may create their own in-house trainings that are specific to their internal policies/practice/protocols.

There are no anticipated additional costs related to environmental standards as these are part of regular building construction, upkeep and maintenance.

4. Minimizing adverse impact:

When drafting these proposed regulatory changes, input was sought from residential and non-residential domestic violence service providers. As a result, some specific regulatory changes were drafted to minimize the adverse impact on programs in rural areas, including: modifying the requirement for a face-to-face interview prior to admission into a residential program, creating a record retention time frame, providing relief from the costs associated with long-term record retention (previously, there was no authorization to dispose of such records), and supporting language access as a required core service.

5. Rural area participation:

OCFS sought input regarding these proposed regulations with currently licensed/approved domestic violence programs in a series of regional forums, held in conjunction with NYSCADV, a membership agency which provides training, support, technical assistance and advocacy for residential programs for victims of domestic violence across New York State.

These forums occurred on the following dates and locations: August 9, 2016 in Batavia (Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Ontario, Schuyler, Seneca, Wayne, Wyoming and Yates counties); August 10, 2016, in Syracuse (Broome, Cayuga, Chenango, Cortland, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, St. Lawrence, Tioga, and Tompkins counties); September 15, 2016 in Albany (Albany, Clinton, Columbia, Delaware, Essex, Franklin, Fulton, Otsego, Rensselaer, Saratoga, Schoenectady, Schoharie, Warren, and Washington counties); December 1, 2016 in Yonkers (Dutchess, Orange, Putnam, Sullivan, and Ulster counties).

A workgroup comprising of members from the OCFS, NYSCADV and OPDV met regularly from January through March 2017. In addition, a webinar was held on September 8, 2017 for licensed/approved domestic violence providers, NYSCADV and OPDV to summarize the proposed changes to the regulations. A small workgroup was held December 19, 2017 and June 26, 2019 with OCFS Fire Safety Representatives specific to changes necessary to better meet existing fire, health and safety standards.

A public comment period held from December 19, 2018 – February 17, 2019. OCFS received comments from 10 contributors. OCFS met with NYSCADV on June 4, 2019 and June 18, 2019 to discuss their questions and feedback related to the public comments submitted by their agency.

Revised Job Impact Statement

A job impact statement is not required for this rule. The proposed regulations are not expected to have a negative impact on jobs or employment in either the public or private sector. The purpose of the rule is to provide additional clarification to existing regulatory and statutory requirements as they pertain to residential and non-residential services for victims of domestic violence.

Nature of Impact:

The Office of Children and Family Services does not anticipate a reduction of employees or employment opportunities at residential or non-residential programs for victims of domestic violence.

Categories and Numbers Affected:

There are no changes in categories or numbers.

Regions of Adverse Impact:

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

Self-Employment Opportunities:

No measurable impact on opportunities for self-employment is expected.

Assessment of Public Comment

The Office of Children and Family Services (OCFS) filed a rulemaking in December 2018 to bring the current regulations governing programs for victims of domestic violence (DV) into compliance with current federal/state statutes and as applicable, provide clarification to existing requirements. The comments received during the public comment period that followed have resulted in the following changes in this revised rulemaking:

Overall

- Corrected grammar/spelling errors.
- Updated all references of “department” to “Office.”

Part 452 – General Provisions

- In response to questions from providers, OCFS clarified the scope of the regulations to make clear that 18 NYCRR Part 491 does not apply to DV shelters.

- The reference to “meeting the daily living needs of residents,” was removed since this is not specified for any other facility type.

- In response to questions from the field terms regarding providing reasonable accommodations for person with disabilities and what constitutes an undue burden were clarified.

- Language added to clarify the roles and responsibilities of staff.

- Clarification of language regarding renewal of operating certificates and enforcement actions, including articulating that:

- o the provider does not need to request a hearing;

- o a hearing notice will automatically be sent to the provider;

- o failure to request an adjournment or to appear for the hearing will finalize the enforcement action; and

- o failure to contest the decision of the enforcement action will be prima facie evidence that the finding of imminent danger is valid.

- The rights and responsibilities for residents and programs were clarified. OCFS removed the language regarding meeting with legal representation/counsel.

- Definitions, admissions standards, rights and responsibilities related to service animals and therapy dogs were clarified.

- A definition of “Personally Identifying Information” was added.
- Clarified that record retention requirements are minimum standards.
- In light of recent law, language was added to mandate ACEs training for direct care workers.

Part 453 (Shelters/Mix Occupancy Shelter), Part 454 (Safe Home Networks), Part 455 (Sponsoring Agencies)

- Environmental Standards – Changes were made to physical plant requirements to better match existing fire, health, and safety standards and statutes. OCFS modified language regarding egress windows as commenters pointed out that the changes were necessary to reflect NYC building code issues. Additionally, language was added to make clear that if local codes have stricter standards, those standards will apply to various fire safety provisions in the regulations regarding fire extinguishers and carbon monoxide/smoke detectors.

- Staffing – Language that made it unclear as to how many staff had to be on duty at any time was clarified.

Part 462 – Non-Residential Services for Victims of Domestic Violence

- The confidentiality of personally identifying information was clarified to require that access to aggregate data is limited to “non-personally identifying” information.

- Language was added regarding mandated ACEs training and general staff training consistent with the changes discussed above for residential programs.

- Record retention requirements for personnel records were added.
- In response to questions from the field, clarification of core services specifically what constitutes advocacy, was provided.

Department of Corrections and Community Supervision

NOTICE OF ADOPTION

Standard Conditions of Release Parole Revocation Dispositions

I.D. No. CCS-05-19-00006-A

Filing No. 1159

Filing Date: 2019-12-23

Effective Date: 9 NYCRR section 8003.2 effective July 8, 2020; 9 NYCRR sections 8002.6 and 8005.20 effective December 8, 2020

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

Action taken: Amendment of sections 8002.6, 8003.2 and 8005.20 of Title 9 NYCRR.

Statutory authority: Executive Law, sections 259-c(1), (2), (6), (11) and 259-i(3)

Subject: Standard Conditions of Release Parole Revocation Dispositions.

Purpose: Establish standard conditions of release and provide a workable structure for applying appropriate parole revocation penalties.

Text or summary was published in the January 30, 2019 issue of the Register, I.D. No. CCS-05-19-00006-P.

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

Revised rule making(s) were previously published in the State Register on October 6, 2019.

Text of rule and any required statements and analyses may be obtained from: Kathleen M. Kiley, Counsel to the Board of Parole, Department of Corrections and Community Supervision, 1220 Washington Avenue, Building 2, Albany, New York 12226, (518) 473-5671, email: Rules@Doccs.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2022, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

In response to the revised rulemaking, the Board received comments submitted by the Legal Aid Society of New York City, which expanded on its comments previously submitted in response to the notice of proposed rulemaking, and comments from A More Just NYC.

Regarding the revisions to the proposed rule published on October 16, 2019, one comment expressed support for the changes to the calculation of time assessments in Section 8002.6.

The remaining comments were addressed to components of the proposed rule which had not been revised, some of which expressed concerns addressed in the previous Assessment of Public Comments. To the extent that comments submitted were identical to or raised substantially similar concerns as comments previously submitted, the Board refers to the responses provided in the Assessment of Public Comments published in the State Register on October 16, 2019.

With regard to comments not previously addressed, the Board’s responses are as follows:

Section 8003.2(1)

Comment: One comment argued that a condition of release requiring parolees to make regular office reports is superfluous in light of the condition prohibiting absconding.

Response: The proposed standard conditions are intended to promote the continued rehabilitation and reentry into society of the releasee and consistent contact with the assigned parole officer is a core component of this process.

Section 8003.2(3)

Comment: One comment posited that parolees may fail to maintain contact with their assigned parole officer while attempting to contact other Department staff and proposed that the condition provide for contact with staff other than the assigned parole officer.

Response: The Board maintains that consistent contact with parole officers, who possess specialized training and experience not applicable to other staff, is a core component of the rehabilitation and re-entry process.

Additionally, the Board has not observed a pattern of parolees contacting Bureau staff while simultaneously failing to maintain contact with their assigned parole officer and to reside at their approved residence. However, it should be noted that only violations of conditions in an important respect can result in the revocation of release.

Section 8003.2(4)

Comment: One comment expressed support for the absence of language referencing an “an immediate and continuing duty” to notify the parole officer of changes in residence, employment or program status.

Response: The Board believes this condition has been appropriately calibrated to provide for the appropriate level of supervision to facilitate the continued rehabilitation of individuals and their transition into the community in a manner consistent with public safety.

Section 8003.2(6)

Comment: One comment expressed support for the removal of the requirement that a parolee’s notification of their parole officer of contact with law enforcement be made immediately.

Response: The Board believes this condition has been appropriately calibrated to provide for the appropriate level of supervision to facilitate the continued rehabilitation of individuals and their transition into the community in a manner consistent with public safety.

Section 8003.2(7)

Comment: One comment expressed support for the change in language prohibiting acting in concert with individuals engaged in illegal activity.

Response: The Board believes this condition has been appropriately calibrated to provide for the appropriate level of supervision to facilitate the continued rehabilitation of individuals and their transition into the community in a manner consistent with public safety.

Section 8003.2(9)

Comments: One comment objected to this condition as superfluous to Section 8003.2(8) to the extent it addresses objects defined by the penal law as deadly weapons or dangerous instruments. Regarding behaviors which would not otherwise amount to violations of law, the comment objected to the absence of the provision that possession of an instrument capable of causing bodily harm be “without satisfactory explanation”.

Response: The Board notes that only violations of conditions in an important respect can result in the revocation of release. The condition does not need to explicitly address the releasee’s explanation.

Section 8003.2(13)

Comments: One comment objected to the wording of this provision, proposing that it include language explicitly requiring special conditions be in writing. The commenter argues that special conditions must have an objective basis, and this requires they be in writing.

Response: The Board does not believe that language specifying that special conditions will be in writing is required. Additionally, the Board notes that a releasee is separately required to comply with instructions of the parole officer, which includes oral instructions. There is no basis to conclude that oral instructions cannot have an objective basis related to the goals of supervision.

Section 8005.20 Generally

Comments: One comment argued that this rulemaking should reduce the severity of sanctions for violations and that there should be no circumstances in which a sanction is increased. Both comments argued that once a releasee has been found to have violated the conditions of release in an important respect, there should be presumptions in favor of the least re-

strictive sanction generally and in favor of restoration to release specifically. One comment argued that an adjudicated violator should be restored to release absent extenuating circumstances. The other comment argued that an adjudicated violator should be restored to release unless the aggravating factors outweigh the mitigating factors.

Response: The Board notes that the proposed time assessment ranges for the behavior categories have been calibrated to the severity of the violative behavior at issue and the proposed regulation provides for alternatives, including restoration to supervision and restoration to supervision upon successful completion of a Department program.

The Board does not believe that a mandatory presumption of the least restrictive sanction is consistent with a disposition that is based upon the particular facts of each case and in the interests of public safety and justice. Regarding the proposals that there be a presumption in favor of restoration unless there are extenuating circumstances or that the aggravating factors outweigh the mitigating factors, the Board disagrees and notes that these approaches would not account for the nature and severity of the violation itself.

Section 8005.20(2) (Behavior Category 2)

Comments: One comment proposed that this guideline require the parole officer engage in reasonable efforts to re-engage an absconding parolee before issuing a warrant for absconding from supervision. Both comments included objections to the length of time assessments authorized by this section.

Response: Section 8005.20 concerns the final revocation hearing determination. Section 8004.2 of Title 9 NYCRR addresses warrant issuance, which is not the subject of this rulemaking.

To the extent the commenters objected to the authorized time assessments as potentially disproportionate to the behavior at issue, the Board notes that this concern was previously addressed in Assessment of Public Comments published in the NYS Register on October 16, 2019, as discussed above. However, to the extent commenters have suggested that there is a cap of 12 months pertaining to the time assessment applicable to behavior category 2, the Board notes that this characterization is incorrect, as the range provided for is 3 to 15 months.

Section 8005.20(g) (Aggravating and Mitigating Factors)

Comments: One comment objected to the listing of aggravating and mitigating factors as unduly influencing hearing officer dispositions in favor of incarceration. Another comment argued that incarceration should be the last resort and proposed that the regulation require hearing officers to impose the least restrictive sanction.

Response: The Board disagrees that the inclusion of potential aggravating and mitigating factors would cause presiding officers to unduly favor incarceration and maintains that the current proposed language provides guidance while allowing for consideration of individual case circumstances which, in conjunction with the proposed behavior categories, will aid in the fashioning of dispositions that are in the interests of public safety and justice and proportionate to the severity of the violative behavior at issue.

Comments regarding temporary detention

Comments: One comment objected to provisions of the Board's rules which provide for automatic detention of accused parole violators. The commenter proposed that no individual accused of a technical violation be detained pending adjudication.

Response: Pre-adjudication detention procedures were outside the scope of this rulemaking. However, the Board notes that Executive Law § 259-i(3), the statute governing revocation proceedings, provides that adjudication proceedings are commenced by the issuance of a warrant and the temporary detention of the releasee. The Board believes that available parole revocation disposition options are just, rational, and consistent with applicable law.

Department of Financial Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Certification of Compliance, Due Date

I.D. No. DFS-01-20-00002-P

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

Proposed Action: This is a consensus rule making to amend section 500.17 and Appendix A of Title 23 NYCRR.

Statutory authority: Financial Services Law, sections 102, 201, 202, 301, 302 and 408

Subject: Certification of Compliance, Due Date.

Purpose: To amend the date by which Covered Entities must submit a certification of compliance, from February to April.

Text of proposed rule: Subdivision (b) of Section 500.17 is amended to read as follows:

(b) Annually each Covered Entity shall submit to the superintendent a written statement covering the prior calendar year. This statement shall be submitted by [February] April 15 in such form set forth as Appendix A, certifying that the Covered Entity is in compliance with the requirements set forth in this Part. Each Covered Entity shall maintain for examination by the Department all records, schedules and data supporting this certificate for a period of five years. To the extent a Covered Entity has identified areas, systems or processes that require material improvement, updating or redesign, the Covered Entity shall document the identification and the remedial efforts planned and underway to address such areas, systems or processes. Such documentation must be available for inspection by the superintendent.

Appendix A is amended to read as follows:

(Covered Entity Name)

[February] April 15, 20____

Certification of Compliance with New York State Department of Financial Services Cybersecurity Regulations The Board of Directors or a Senior Officer(s) of the Covered Entity certifies:

(1) The Board of Directors (or name of Senior Officer(s)) has reviewed documents, reports, certifications and opinions of such officers, employees, representatives, outside vendors and other individuals or entities as necessary;

(2) To the best of the (Board of Directors) or (name of Senior Officer(s)) knowledge, the Cybersecurity Program of (name of Covered Entity) as of ____ (date of the Board Resolution or Senior Officer(s) Compliance Finding) for the year ended ____ (year for which Board Resolution or Compliance Finding is provided) complies with Part ____.

Signed by the Chairperson of the Board of Directors or Senior Officer(s)
(Name) _____ Date: _____

(DFS Portal Filing Instructions)

Text of proposed rule and any required statements and analyses may be obtained from: Eamon Rock, Assistant Counsel, NYS Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 474-4567, email: Eamon.Rock@dfs.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.

Consensus Rule Making Determination

This proposed rulemaking makes only a technical change, specifically changing from February to April the date by which certificates of compliance required to be submitted to the Department under Part 500 are to be received. As this has no impact on the substantive requirements under Part 500 and merely changes the date on which certifications must be received, and gives Covered Entities more, rather than less time, no person is likely to object to the adoption of this amendment.

Accordingly, this rulemaking is determined to be a consensus rulemaking, as defined in State Administrative Procedure Act ("SAPA") § 102(11), and is proposed pursuant to SAPA § 202(1)(b)(i). Therefore, this rulemaking is exempt from the requirement to file a Regulatory Impact Statement, Regulatory Flexibility Analysis for Small Businesses and Local Governments, or a Rural Area Flexibility Analysis.

Job Impact Statement

The proposed amendment to Part 500 should have no impact on jobs and employment opportunities. This proposed rulemaking would merely change the date on which the certifications of compliance must be submitted. Further, the proposed rulemaking would extend, rather than shorten the time provided to Covered Entities to submit any required certification of compliance. Therefore, the Department has determined that any small effect this regulation would have on jobs or employment opportunities would be to the benefit of Covered Entities and would thus have a positive impact on the same.

New York State Gaming Commission

NOTICE OF ADOPTION

Remove Obsolete Reference to Safety Vest Weight

I.D. No. SGC-40-19-00011-A

Filing No. 1161

Filing Date: 2019-12-23

Effective Date: 2020-01-08

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

Action taken: Amendment of section 4033.3 of Title 9 NYCRR.

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

Subject: Remove obsolete reference to safety vest weight.

Purpose: To promote the integrity of racing and derive a reasonable return for government.

Text or summary was published in the October 2, 2019 issue of the Register, I.D. No. SGC-40-19-00011-P.

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

Text of rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, PO Box 7500, Schenectady, New York 12031-7500, (518) 388-3332, email: gamingrules@gaming.ny.gov

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Add Racetrack Operator to Terms Defined in Thoroughbred Rules

I.D. No. SGC-40-19-00012-A

Filing No. 1160

Filing Date: 2019-12-23

Effective Date: 2020-01-08

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

Action taken: Amendment of section 4000.3 of Title 9 NYCRR.

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

Subject: Add racetrack operator to terms defined in Thoroughbred rules.

Purpose: To promote the integrity of racing and derive a reasonable return for government.

Text or summary was published in the October 2, 2019 issue of the Register, I.D. No. SGC-40-19-00012-P.

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

Text of rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, PO Box 7500, Schenectady, New York 12031-7500, (518) 388-3332, email: gamingrules@gaming.ny.gov

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Add Racetrack Operator to Terms Defined in Harness Racing Rules

I.D. No. SGC-42-19-00004-A

Filing No. 1162

Filing Date: 2019-12-23

Effective Date: 2020-01-08

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

Action taken: Amendment of section 4100.1 of Title 9 NYCRR.

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

Subject: Add racetrack operator to terms defined in harness racing rules.

Purpose: To promote the integrity of racing and derive a reasonable return for government.

Text or summary was published in the October 16, 2019 issue of the Register, I.D. No. SGC-42-19-00004-P.

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

Text of rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, PO Box 7500, Schenectady, New York 12031-7500, (518) 388-3332, email: gamingrules@gaming.ny.gov

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Permit Thoroughbred Horses with Digital Tattoos to Race in New York

I.D. No. SGC-01-20-00006-P

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

Proposed Action: This is a consensus rule making to amend section 4024.1(b)(1) of Title 9 NYCRR.

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

Subject: Permit Thoroughbred horses with digital tattoos to race in New York.

Purpose: To promote the integrity of racing and derive a reasonable return for government.

Text of proposed rule: Paragraph (1) of subdivision (b) of section 4024.1 of 9 NYCRR would be amended, as follows:

§ 4024.1. Registration required to enter or start.

* * *

(b)(1) Tattoo requirement. No horse shall be allowed to enter or start in any race unless it has been [lip-tattooed] *tattooed* in a manner satisfactory to the commission; except that the stewards may, in their discretion, allow a horse registered with the registry of a foreign country to start in a stake or invitational race upon such terms as they deem appropriate.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Rick Goodell, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-0188, email: rick.goodell@gaming.ny.gov

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.

Consensus Rule Making Determination

The adoption of this proposed rulemaking conforms the New York State Gaming Commission ("NYSGC") Thoroughbred rules with the nationwide digital tattoo system introduced by the national breed registry, The Jockey Club, as the means to identify registered Thoroughbred racehorses beginning with two-year old horses that race in the year 2020. Due to the technical and non-controversial nature of this amendment, no person is likely to object to the revision proposed by this amendment.

Job Impact Statement

A job impact statement is not required for this consensus rulemaking proposal because it will not adversely affect jobs or employment opportunities.

The proposal will permit a horse identified with a digital or other tattoo, not just a lip-tattoo, that is satisfactory to the Gaming Commission to participate in Thoroughbred pari-mutuel races in New York. No substantive change is proposed to the agency's rules.

The proposed amendment will not have an impact on jobs or employment opportunities and will not impose any adverse impact on jobs or employment opportunities.

Department of Health

NOTICE OF EXPIRATION

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

New requirements for annual registration of licensed home care service agencies

| I.D. No. | Proposed | Expiration Date |
|-------------------|-------------------|-------------------|
| HLT-51-18-00018-P | December 19, 2018 | December 19, 2019 |

Public Service Commission

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-20-19-00009-A
Filing Date: 2019-12-19
Effective Date: 2019-12-19

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

Action taken: On 12/12/19, the PSC adopted an order approving 533 48th Avenue Condominium LLC's (533 48th Avenue) petition to submeter electricity at 5-33 48th Avenue, Queens, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 533 48th Avenue's petition to submeter electricity.

Substance of final rule: The Commission, on December 12, 2019, adopted an order approving 533 48th Avenue Condominium LLC's petition to submeter electricity at 5-33 48th Avenue, Queens, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (19-E-0204SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-35-19-00006-A
Filing Date: 2019-12-19
Effective Date: 2019-12-19

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

Action taken: On 12/12/19, the PSC adopted an order approving 10 Minerva Place L.P.'s (10 Minerva) notice of intent to submeter electricity at 2865 Creston Avenue, Bronx, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 10 Minerva's notice of intent to submeter electricity.

Substance of final rule: The Commission, on December 12, 2019, adopted an order approving 10 Minerva Place L.P.'s notice of intent to submeter

electricity at 2865 Creston Avenue, Bronx, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (19-E-0515SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Tariff Revisions and Clarifications for the Summer 2020 Capability Period

I.D. No. PSC-01-20-00007-P

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

Proposed Action: The Commission is considering a November 15, 2019 tariff filing by Niagara Mohawk Power Corporation d/b/a National Grid to effectuate revisions to its Dynamic Load Management Program tariffs.

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

Subject: Proposed tariff revisions and clarifications for the summer 2020 capability period.

Purpose: To have more efficient demand response programs to gain operational efficiency and shave peak demand.

Substance of proposed rule: The Public Service Commission is considering a November 15, 2019 tariff filing by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), proposing modifications to Dynamic Load Management (DLM) Program tariffs for the 2020 capability period.

The tariff changes being sought would clarify the definition of Performance Factor and update the effective tariff format. National Grid's DLM portfolio is comprised of three distribution-level offerings: Direct Load Control (DLC) Program, Commercial System Relief Program (CSR), and Distribution Load Relief Program (DLRP). The Petitioner asserts that the proposed tariff revisions would have no impacts to existing incentives. The proposed tariff amendments have an initial effective date of May 1, 2020.

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

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

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

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

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

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

(15-E-0189SP8)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Request for Waiver of 16 NYCRR Section 96.5(k)(3)

I.D. No. PSC-01-20-00008-P

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

Proposed Action: The Commission is considering the petition of 839 Tilden Street HDFC for waiver of 16 NYCRR section 96.5(k)(3), proof that an energy audit has been conducted when 20% of residents receive income-based housing assistance.

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

Subject: Request for waiver of 16 NYCRR section 96.5(k)(3).

Purpose: To consider the request for waiver of the energy audit requirement per 16 NYCRR section 96.5(k)(3).

Substance of proposed rule: The Commission is considering the petition filed by 839 Tilden Street HDFC on October 8, 2019, for waiver of 16 NYCRR § 96.5(k)(3), which requires proof that an energy audit has been conducted when 20 percent or more of the residents of a residential building with submeters receive income-based housing assistance.

The full text of the waiver 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.

(19-E-0502SP2)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Modifying RG&E's DLM Dispatch Threshold to Improve the Commercial System Relief Program

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

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

Proposed Action: The Commission is considering modifications to Rochester Gas and Electric Corporation's (RG&E) Dynamic Load Management (DLM) Programs, informed by the November 15, 2019 DLM Annual Report.

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

Subject: Modifying RG&E's DLM dispatch threshold to improve the Commercial System Relief Program.

Purpose: To have more efficient demand response programs to gain operational efficiency and shave peak demand.

Substance of proposed rule: The Public Service Commission is considering modifications to Rochester Gas and Electric Corporation's (RG&E) distribution-level demand response program, known as the Commercial System Relief Program (CSR).

As detailed in its November 15, 2019 annual report, RG&E's 92% day-ahead forecast trigger resulted in seven called events during the summer 2019 capability period. The Commission is considering directing RG&E to raise its dispatch threshold to align the number of called events with the number of events called by other utility CSR programs.

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

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

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

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

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

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

(15-E-0190SP6)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Transfer of Water Supply Assets and Dissolution of the Company

I.D. No. PSC-01-20-00010-P

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

Proposed Action: The Commission is considering a joint petition filed by Lawtons Water Company (the Company) and the Town of North Collins (the Town) seeking authorization to transfer all water supply assets owned by the Company to the Town and to dissolve the Company.

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

Subject: Proposed transfer of water supply assets and dissolution of the Company.

Purpose: To determine whether the transfer of water supply assets to the Town of North Collins is in the public interest.

Substance of proposed rule: The Public Service Commission (Commission) is considering a joint petition filed on December 5, 2019 by Lawton Water Company (the Company) and the Town of North Collins (the Town), Erie County, (together the Petitioners), requesting authorization to transfer the Company's water supply assets to the Town and to dissolve the Company.

The petition states that the proposed transfer is in the public interest, as the Company currently relies on volunteer labor to operate the water supply system and lacks the funds and the ability to finance capital improvements. The petition asserts that Town is able to finance the needed capital improvements at a much lower cost as explained below.

The assets to be transferred consist of: two parcels of real property; approximately 13 gravity fed water gathering springs; one active inground holding/storage tank; one existing work shed containing a chlorinator; existing water distribution mains; and 41 customer accounts. The water supply assets will be transferred to the Town for no consideration. Further, it has been decided by the residents and the Town Board to purchase water from the nearby Cattaraugus Indian Reservation Community Water Supply operated by the Seneca Nation of Indians (SNI). The estimated cost of this project is \$695,000. The Town has applied for and has received various grants to finance the capital needs of switching to the SNI water source. The petition also requests permission to dissolve the Company after the transfer of the system to the Town because the Company will have no assets related to the provision of utility service.

The full text of the petition and the full record of the proceeding may be viewed online at the Department of Public Service web page: www.dps.ny.gov. 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.

(19-W-0744SP1)

State University of New York

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Limitations on Operating Costs for Purposes of State Financial Assistance

I.D. No. SUN-01-20-00001-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 602.8(a)(3) of Title 8 NYCRR.

Statutory authority: Education Law, section 355(2)(d) and (h)

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

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

Text of proposed rule: Section 602.8(a)(3). Limitations on State financial assistance.

(a) Definitions for this section.

(3) Rental cost for physical space. The costs of rented physical space[, excluding costs of such services as electricity, gas, heat or janitorial services where the expenses of the latter types of services are included in the rental charges]as defined by the Chancellor or designee.

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

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

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

Regulatory Impact Statement

1. Statutory Authority: Education Law, Section 355(2)(b). Section 355(2)(b) authorizes the State University Trustees to make and amend rules and regulations for the overall governance of the State University and institutions therein. Section 6305 provides the legal framework under which the 30 community colleges operating (both financially and administratively) under the program of the State University of New York.

2. Legislative Objectives: The present measure approves a policy under which state appropriated reimbursement for rental costs for physical space will be distributed to the community colleges operating under the program of The State University of New York.

3. Needs and Benefits: The present measure, when implemented promptly, will ensure that the Community Colleges have the proper information needed to inform their budget making process.

4. Costs: There are no additional costs from the present measure.

5. Local Government Mandates: There are no local government mandates.

6. Paperwork: No parties will experience any new reporting responsibilities and will be handled through existing requirements related to Community College Budgets.

7. Duplication: None.

8. Alternatives: Other modification levels were considered, however, there is no acceptable alternative to the proposed changes to ensure the ongoing operational stability of the colleges.

9. Federal Standards: None.

10. Compliance Schedule: It is anticipated that SUNY Community College campuses will be in compliance with this rule immediately upon enactment.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on small businesses and local governments. This proposed rule making will not impose any adverse economic impact on small businesses and local governments or impose any reporting, record-keeping or other compliance requirements on small businesses and local governments.

Rural Area Flexibility Analysis

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

Job Impact Statement

No job impact statement is submitted with this notice because the proposed rule does not impose any adverse economic impact on existing jobs, employment opportunities, or self-employment. This regulation governs State appropriated reimbursement for rental costs for physical space at community colleges operating under the program of The State University of New York and will not have any adverse impact on the number of jobs or employment.

New York State Thruway Authority

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Toll Rate Adjustments on the New York State Thruway System

I.D. No. THR-01-20-00003-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 101.2; repeal of section 101.4; and addition of new section 101.4 to Title 21 NYCRR.

Statutory authority: Public Authorities Law, sections 354(5), (8), (15), 361(1); and Vehicle and Traffic Law, section 1630

Subject: Toll rate adjustments on the New York State Thruway system.

Purpose: To provide for toll rate adjustments necessary to support the Authority's financial obligations.

Substance of proposed rule (Full text is posted at the following State website: www.thruway.ny.gov): The Proposed Rule provides for toll rate adjustments on the controlled system and at fixed barriers along the New York State Thruway to provide the funds necessary to finance the New York State Thruway Authority's (Authority) multi-year capital plan, to perform necessary maintenance and operations and to comply with the relevant portions of the Authority's General Revenue Bond Resolution and Fiscal Management Guidelines. These toll rate adjustments will be fully implemented by January 1, 2022.

Text of proposed rule and any required statements and analyses may be obtained from: Pamela Davis, Assistant Counsel, Thruway Authority, 200 Southern Boulevard, Albany, New York 12209, (518) 436-2840, email: tollcomments@thruway.ny.gov

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

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

Additional matter required by statute: Public Authorities Law section 2804 requires that a detailed financial report be submitted to the Governor, Comptroller and the Chairs and Ranking Members of the Legislative Fiscal Committees.

Regulatory Impact Statement

1. Statutory authority:
Public Authorities Law (PAL) section 354 subdivision 5 authorizes the New York State Thruway Authority (Authority) to make rules and regulations for the use of the Thruway and any other facilities under the jurisdiction of the Authority. PAL section 354 subdivision 8, in pertinent part, authorizes the Authority "to fix fees for the use of the Thruway System or any part thereof necessary...to produce sufficient revenue to meet the expense of maintenance and operation and to fulfill the terms of any agreements made with the holders of its notes or bonds..." PAL section 354 subdivision 15 authorizes the Authority to do all things necessary or convenient to carry out its purposes or exercise the powers given in Title 9. Section 1630 of the Vehicle and Traffic Law authorizes the Authority to make rules and regulations to regulate traffic on any highway under its jurisdiction with respect to charging tolls, taxes, fees, licenses or permits for the use of the highway or any property under the Authority's jurisdiction. In addition to the Vehicle and Traffic Law authorization, the Authority is authorized pursuant to section 361 of the PAL to "promulgate such rules and regulations...for the collection of tolls..."

2. Legislative objectives:

In enacting PAL section 353 the Legislature found that certain public benefits would accrue from the creation of the Thruway Authority. The Legislature found and declared that the development, operation and maintenance of the Thruway System was a benefit to the people of the State of New York with respect to their health, welfare, safety, recreation, commerce and common defense. That statutory provision declared that the

Authority was created for the purpose of and given the power to finance, develop, construct, reconstruct, improve, maintain and operate the Thruway System. As a self sustaining entity, the proposed toll adjustment will enable the Authority to continue to maintain and operate the Thruway System in furtherance of the health, safety and welfare of the people of the State of New York. The proposed toll adjustment will produce revenues that meet the needs of the multi-year capital program and will allow the Authority to perform necessary operation and maintenance and comply with the relevant portions of the Authority's General Revenue Bond Resolution and Fiscal Management Guidelines.

3. Needs and benefits:

The Authority last implemented toll adjustments in 2010. There have been no changes to the toll rates on the Thruway System in the last nine years, with the exception of the discontinuation of discounts for vehicles with non-NY E-ZPass. Section 365 of the PAL authorizes the Authority to issue negotiable notes and bonds necessary to provide sufficient moneys for achieving the corporate purposes of the Authority. The Authority has and will continue to issue negotiable notes and bonds pursuant to its General Revenue Bond Resolution, adopted August 3, 1992 (the Bond Resolution), as amended, which is the contract between the Authority and its bondholders. In addition to the Bond Resolution, the Authority has General Revenue Junior Indebtedness Obligations adopted November 7, 2013 and as amended. Pursuant to Section 608 of the Bond Resolution (the Maintenance covenant) the Authority has covenanted to operate and maintain its Facilities (as defined in the Bond Resolution) "in a sound and economical manner and shall maintain, reconstruct and keep the same...and every part and parcel thereof, in good repair, working order and condition, and shall from time to time, make or cause to be made, all necessary and proper repairs, replacements and renewals so that at all times the operation of the Facilities may be properly and advantageously conducted..." The continuation of the present toll schedule would result in revenues insufficient to allow the Authority to meet its needs for the required Maintenance covenant under the Bond Resolution.

Section 609 (the Rate covenant) of the Bond Resolution requires that that Authority fix, charge and collect tolls sufficient to equal the Authority's Net Revenue Requirement, as that term is defined in the Bond Resolution. In accordance with the Bond Resolution, the Authority requested a study by an independent consultant to recommend a schedule of tolls, fees and charges to provide sufficient net revenues to comply with the Rate covenant and the Maintenance covenant. The report by Stantec Consulting Services Inc. examined the financial requirements of the Authority to meet the future maintenance, reconstruction and operational needs of the Thruway System through the end of 2024. That report, "New York State Thruway Financial Requirements and Proposed Toll Adjustments," (Stantec Report), found that current toll levels on the Thruway were insufficient to meet the Thruway's future needs. In order to maintain a serviceable system and a safe facility the Stantec Report found that a toll adjustment is required to fully implement the Authority's multi-year capital program to provide for the needed reconstruction, maintenance and congestion relief improvements. The Stantec Report concluded that funding shortages, inadequate debt service coverage ratios and low Pay-As-You-Go financing generated from the current toll schedule requires the Authority to implement a toll adjustment to complement its program of enhancing operational efficiency and provide fiscal stability and healthy financial metrics. The Stantec Report further concludes that the proposed toll schedule would result in appropriate debt service coverage ratios that meet the Authority Board adopted minimum coverage ratio guidelines through 2024. The Authority's Finance Committee established several goals for the Authority to follow in developing a proposed toll adjustment, including, preserving the Authority's estimated \$2.78 billion multi-year capital program; preserving New York E-ZPass discount programs; and maintaining combined and senior and junior debt service coverage ratios of at least 1.35x in 2024. The proposed toll adjustments achieve the goals of the Authority's Finance Committee.

4. Costs:

Costs to regulated parties will vary as the Authority employs a multi-classification system for tolls that takes into consideration vehicle class, based upon axles and height, and distance traveled on the Thruway System. In general, the Tolls By Mail rate for a passenger vehicle (class 2L), under the proposed plan will increase by 1.1 cents per mile and the non-New York E-ZPass rate will increase less than 1 cent per mile. In general, the Tolls By Mail toll for a tractor trailer (class 5H), the most common commercial vehicle, under the proposed plan will increase by 5.6 cents per mile and the non-New York E-ZPass rate will increase by 2.2 cents per mile.

For example, once cashless tolling is implemented, a passenger vehicle paying through Tolls By Mail traveling between Exit 24 (Albany) and Exit 25 (Schenectady) will pay .35 cents in 2021 (and currently cash customer pays .30 cents). Please note, tolls are calculated by multiplying the distance traveled by the per mile cost. The same trip with non-New York E-ZPass

currently costs .30 cents and will cost .31 cents in 2021. For participants in the Annual Permit Plan, this trip is within thirty miles and therefore has no additional charge. A commercial vehicle (Tractor Trailer-Class 5H) paying cash for the same trip currently pays \$1.45 and will pay \$1.76 through Tolls By Mail in 2021. With non-New York E-ZPass, the same commercial vehicle currently pays \$1.45 and will pay \$1.56 in 2021. A passenger vehicle paying cash traveling between Exit 24 (Albany) and Exit 50 (Williamsville) currently pays \$12.85 and will pay \$15.83 in 2021 through Tolls By Mail. The same trip with non-New York E-ZPass currently costs \$12.85 and will cost \$14.00 in 2021. A commercial vehicle (Tractor Trailer-Class 5H) paying cash for the same trip currently pays \$65.15 and will pay \$80.43 through Tolls By Mail in 2021. With non-New York E-ZPass, the same commercial vehicle currently pays \$65.15 and will pay \$71.17 in January 2021.

All customers who participate in New York E-ZPass and in the Annual Permit Plan, and businesses who take advantage of the commercial New York E-ZPass and volume discounts, are either not impacted or minimally impacted by this toll adjustment except at the Governor Mario M. Cuomo Bridge. The Authority encourages all customers to sign up for E-ZPass to receive a discount. Customers who operate passenger vehicles may also enroll in the Annual Permit Plan, whereupon payment of the Annual Permit Plan fee allows free travel on the controlled portion of the Thruway System for the first 30 miles of every trip. The Annual Permit fee is remaining at \$88 per year. This toll adjustment further maintains the commercial E-ZPass and volume discounts, which are available to all Authority commercial customers, including small businesses, that enroll and qualify.

5. Local government mandates:

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

6. Paperwork:

The proposed regulatory changes will not create any additional paperwork.

7. Duplication:

There are no relevant State regulations which duplicate, overlap or conflict with the proposed regulatory changes.

8. Alternatives:

The Authority's review and the Stantec Report both looked at the alternative of not implementing toll adjustments. The Stantec Report indicated that a toll adjustment was required. The Authority is statutorily required to finance, construct, reconstruct, improve, develop, maintain and operate the Thruway System pursuant to PAL section 353. Leaving the current toll structure in place would result in:

- Revenues insufficient to fund the multi-year capital program;
- Insufficient funds for capital improvements to the infrastructure and routine operations and maintenance, resulting in deterioration of pavement and bridge conditions that would impact safety and service to Thruway customers;
- Insufficient funds for the reimbursement of State Police Troop T for patrolling the Thruway system;
- Operational deficits;
- Very low pay-as-you-go financing;
- Debt service coverage ratios in the later years of the forecast period declining below the limits established in the Authority's Bond Resolution and Fiscal Management Guidelines;
- Revenues insufficient to allow the Authority to comply with the relevant portions of the Bond Resolution;
- The Authority's financial condition deteriorating to the extent that the bond rating would probably be negatively affected leading to greater costs of future debt issuances.

The Authority intends to conduct public outreach during the public comment period, including holding three statewide public hearings. The Authority expects to have dialogue with interested parties and elected officials and will consider all comments during the public comment period.

9. Federal standards:

The proposed regulatory changes do not duplicate or conflict with any federal regulations.

10. Compliance schedule:

It is anticipated that all regulatory requirements will be scheduled and completed by July 1, 2020 and that such schedule will comply with all of the state statutory and regulatory requirements. Following implementation of the rule, there will be no additional time required for regulated persons to achieve compliance with the rule.

Regulatory Flexibility Analysis

1. Effect of rule:

An estimate as to the number of small businesses or local governments that will be affected by the toll adjustment cannot be provided. However, the Authority is mindful of all people who use the Thruway, including those who use the Thruway to commute to work for small businesses and local governments. All customers who participate in New York E-ZPass

and in the Annual Permit Plan, and businesses who take advantage of the Authority's commercial E-ZPass and volume discounts will have no changes in rates by this toll adjustment except at the Governor Mario M. Cuomo Bridge. The Authority encourages all customers to sign up for E-ZPass to receive a discount. The New York E-ZPass discounts are based on the current 2010 toll rates for passenger vehicles and commercial vehicles. Under the proposed toll adjustment, non-New York E-ZPass customers will pay fifteen percent more than the New York E-ZPass toll rate and Tolls By Mail customers will pay thirty percent more for all vehicles effective January 1, 2021. Customers who operate passenger vehicles may also enroll in the Annual Permit Plan, whereupon payment of the Annual Permit Plan fee allows free travel on the controlled portion of the Thruway System for the first 30 miles of every trip. The Annual Permit fee will remain at \$88.00.

This toll adjustment further maintains the commercial E-ZPass and volume discounts, which are available to all Authority commercial customers, including small businesses, that enroll and qualify. Further, the Thruway is a vital transportation corridor for both intrastate and interstate commerce. Failure to properly maintain the highway could negatively impact all of New York State, including small businesses and local governments. The Thruway System is a user fee supported system. Therefore, only those who use the Thruway System are affected by the toll adjustment.

2. Compliance requirements:

There are no reporting or recordkeeping requirements necessary to comply with this rule.

3. Professional Services:

There are no professional services that a small business or local government is likely to need to comply with this rule.

4. Compliance costs:

Costs to regulated parties will vary as the Authority employs a multi-classification system for tolls that takes into consideration vehicle class, based upon axles and height, and distance traveled on the Thruway System. In general, the Tolls By Mail rate for a passenger vehicle (class 2L), under the proposed plan will increase by 1.1 cents per mile and the non-New York E-ZPass rate will increase less than 1 cent per mile. In general, the Tolls By Mail toll for a tractor trailer (class 5H), the most common commercial vehicle, under the proposed plan will increase by 5.6 cents per mile and the non-New York E-ZPass rate will increase by 2.2 cents per mile.

For example, once cashless tolling is implemented, a passenger vehicle paying through Tolls By Mail traveling between Exit 24 (Albany) and Exit 25 (Schenectady) will pay .35 cents in 2021 (and currently cash customer pays .30 cents). Please note, tolls are calculated by multiplying the distance traveled by the per mile cost. The same trip with non-New York E-ZPass currently costs .30 cents and will cost .31 cents in 2021. For participants in the Annual Permit Plan, this trip is within thirty miles and therefore has no additional charge. A commercial vehicle (Tractor Trailer-Class 5H) paying cash for the same trip currently pays \$1.45 and will pay \$1.76 through Tolls By Mail in 2021. With non-New York E-ZPass, the same commercial vehicle currently pays \$1.45 and will pay \$1.56 in 2021. A passenger vehicle paying cash traveling between Exit 24 (Albany) and Exit 50 (Williamsville) currently pays \$12.85 and will pay \$15.83 in 2021 through Tolls By Mail. The same trip with non-New York E-ZPass currently costs \$12.85 and will cost \$14.00 in 2021. A commercial vehicle (Tractor Trailer-Class 5H) paying cash for the same trip currently pays \$65.15 and will pay \$80.43 through Tolls By Mail in 2021. With non-New York E-ZPass, the same commercial vehicle currently pays \$65.15 and will pay \$71.17 in January 2021.

5. Economic and technological feasibility:

Technological feasibility is not applicable to the proposed rule. Economic feasibility cannot be assessed as outlined in responses 1 and 4 above.

6. Minimizing adverse impact:

The Authority is mindful of all people who use the Thruway, including those who use the Thruway to commute to work for small businesses and local governments. However, all customers who participate in New York E-ZPass and in the Annual Permit Plan, and businesses who take advantage of the commercial New York E-ZPass and volume discounts, are either not impacted or minimally impacted by this toll adjustment except at the Governor Mario M. Cuomo Bridge. The Authority encourages all customers to sign up for E-ZPass to receive a discount. Customers who operate passenger vehicles may also enroll in the Annual Permit Plan, whereupon payment of the Annual Permit Plan fee allows free travel on the controlled portion of the Thruway System for the first 30 miles of every trip. The Annual Permit fee is remaining at \$88 per year. This toll adjustment further maintains the commercial E-ZPass and volume discounts, which are available to all Authority commercial customers, including small businesses, that enroll and qualify. Further, the Thruway is a vital transportation corridor for both intrastate and interstate commerce. Failure to properly

maintain the highway could negatively impact all of New York State, including small businesses and local governments.

7. Small business and local government participation:

The Authority will be conducting a public outreach process as part of this toll adjustment, including publication in the State Register pursuant to SAPA and publication in two newspapers of daily circulation in each of the areas where public hearings are to be held pursuant to Public Authorities Law Section 2804. The Authority is statutorily required to conduct three statewide public hearings for this toll adjustment. This will permit interested parties, including small businesses and local governments, to participate in the rule making process.

8. Chapter 524 of the Laws of 2011 requires agencies to include a "cure period" or other opportunity for ameliorative action to prevent the imposition of penalties on a party subject to enforcement when developing a regulation or explain in the Regulatory Flexibility Analysis why one is not included. As this proposed regulation does not create a new penalty or sanction, no cure period is necessary.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

An estimate as to the number of rural areas that will be affected by the toll adjustment cannot be provided. However, the Authority is mindful of all people who use the Thruway, including those who use the Thruway to commute to work in rural areas. All customers who participate in New York E-ZPass and in the Annual Permit Plan, and businesses who take advantage of the Authority's commercial E-ZPass and volume discounts, will have no changes in rates by this toll adjustment except at the Governor Mario M. Cuomo Bridge. The Authority encourages all customers to sign up for E-ZPass to receive a discount. The New York E-ZPass discounts are based on the current 2010 toll rates for passenger vehicles and for commercial vehicles. Under the proposed toll adjustment, non-New York E-ZPass customers will pay fifteen percent more than the New York E-ZPass toll rate and Tolls By Mail customers will pay thirty percent more for all vehicles effective January 1, 2021. Customers who operate passenger vehicles may also enroll in the Annual Permit Plan, whereupon payment of the Annual Permit Plan fee allows free travel on the controlled portion of the Thruway System for the first 30 miles of every trip. The Annual Permit fee will remain at \$88.00.

This toll adjustment further maintains the commercial E-ZPass and volume discounts, which are available to all Authority commercial customers, including small businesses, that enroll and qualify. Further, the Thruway is a vital transportation corridor for both intrastate and interstate commerce. Failure to properly maintain the highway could negatively impact all of New York State including rural areas. The Thruway System is a user fee supported system. Therefore, only those who use the Thruway System are affected by the toll adjustment.

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

There are no reporting, recordkeeping or professional service requirements necessary to comply with this rule.

3. Costs:

Costs to regulated parties will vary as the Authority employs a multi-classification system for tolls that takes into consideration vehicle class, based upon axles and height, and distance traveled on the Thruway System. In general, the Tolls By Mail rate for a passenger vehicle (class 2L), under the proposed plan will increase by 1.1 cents per mile and the non-New York E-ZPass rate will increase less than 1 cent per mile. In general, the Tolls By Mail toll for a tractor trailer (class 5H), the most common commercial vehicle, under the proposed plan will increase by 5.6 cents per mile and the non-New York E-ZPass rate will increase by 2.2 cents per mile.

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4. Minimizing adverse impact:

The Authority is mindful of all people who use the Thruway, including those who use the Thruway to commute to work in rural areas. However, all customers who participate in New York E-ZPass and in the Annual Permit Plan, and businesses who take advantage of the commercial New York E-ZPass and volume discounts, are either not impacted or minimally impacted by this toll adjustment except at the Governor Mario M. Cuomo Bridge. The Authority encourages all customers to sign up for E-ZPass to receive a discount. Customers who operate passenger vehicles may also enroll in the Annual Permit Plan, whereupon payment of the Annual Permit Plan fee allows free travel on the controlled portion of the Thruway System for the first 30 miles of every trip. The Annual Permit fee is remaining at \$88 per year. This toll adjustment further maintains the commercial E-ZPass and volume discounts, which are available to all Authority commercial customers, including small businesses, that enroll and qualify. Further, the Thruway is a vital transportation corridor for both intrastate and interstate commerce. Failure to properly maintain the highway could negatively impact all of New York State including rural areas.

5. Rural area participation:

The Authority will be conducting a public outreach process as part of this toll adjustment, including publication in the State Register pursuant to SAPA and publication in two newspapers of daily circulation in each of the areas where public hearings are to be held pursuant to Public Authorities Law Section 2804. The Authority is statutorily required to conduct three statewide public hearings for this toll adjustment. This will permit interested parties, including those in rural areas, to participate in the rule making process.

Job Impact Statement

1. Nature of impact:

The toll adjustment is designed, among other things, to support the Authority's multi-year \$2.78 billion capital program. According to data from the Federal Highway Administration (FHWA) and the White House Council of Economic Advisors (CEA), each \$1 billion of highway investment supports approximately 13,000 full-time jobs. Applying the FHWA and CEA statistics, it is estimated that the multi-year capital plan will support approximately 36,100 full-time jobs over the course of the multi-year capital plan.

2. Categories and numbers affected:

According to data from the Association of General Contractors, for every \$1 billion of highway investment approximately 12,216 Direct jobs, 5,830 Indirect jobs and 18,046 Induced jobs are supported. Direct jobs are those held by workers employed at the highway construction site, including laborers, specialists, engineers and managers. Indirect jobs are those held by workers in industries that supply highway construction manufacturers with materials, including those involved in lumber, steel, concrete and cement products, and by offsite construction industry workers, including administrative, clerical and managerial workers. Induced jobs are those jobs supported throughout the economy when highway construction industry employees spend their earnings.

3. Regions of adverse impact:

No specific region of the State will be adversely impacted by this rule proposal.

4. Minimizing adverse impact:

The Authority does not anticipate an adverse impact as a result of this rule proposal.

5. Self-employment opportunities:

Self-employment opportunities should not be impacted by this rule proposal.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

| Agency I.D. No. | Subject Matter | Location—Date—Time |
|--|--|--|
| Bridge Authority, New York State | | |
| SBA-01-20-00004-P | A proposal to amend the NYS Bridge Authority toll schedule | Poughkeepsie Grand Hotel, 40 Civic Center Plaza, Palm Court Rm., Poughkeepsie, NY—March 9, 2020, 7:00 p.m. |
| SBA-01-20-00005-P | Toll collection and violations | Poughkeepsie Grand Hotel, 40 Civic Center Plaza, Palm Court Rm., Poughkeepsie, NY—March 9, 2020, 7:00 p.m. |
| Environmental Conservation, Department of | | |
| ENV-43-19-00006-P | Class I and Class SD waters | Department of Environmental Conservation, Region 2, 4740 21st St., Long Island City, NY—January 8, 2020, 2:00 p.m. |
| ENV-48-19-00008-P | Plastic bag reduction, reuse and recycling | Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—January 27, 2020, 1:00 p.m. |
| ENV-53-19-00016-P | Certain substances that contain hydrofluorocarbons, highly-potent greenhouse gases | Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129A/B, Albany, NY—March 4, 2020, 12:30 p.m. Henrietta Public Library, 625 Calkins Rd., Community Rm., Rochester, NY—March 6, 2020, 12:30 p.m. Department of Environmental Conservation, Region 2 Office, 47-40 21st St., 8th Fl., Rm. 834A/834B, Long Island City, NY—March 9, 2020, 12:30 p.m. |

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

| Agency code | Issue number | Year published | Serial number | Action Code |
|-------------|--------------|----------------|---------------|-------------|
| AAM | 01 | 12 | 00001 | P |

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

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

AGING, OFFICE FOR THE

| | | | |
|-------------------|----------|--|---|
| AGE-34-19-00014-P | 08/20/20 | Limits on Administrative Expenses and Executive Compensation | To bring this rule into compliance with current law in New York State |
|-------------------|----------|--|---|

AGRICULTURE AND MARKETS, DEPARTMENT OF

| | | | |
|---------------------|----------|---|---|
| AAM-21-19-00002-ERP | 05/21/20 | Control of the European Cherry Fruit Fly | To help control the spread of the European Cherry Fruit Fly (ECFF), which renders cherries unmarketable if they are infested. |
| AAM-33-19-00003-P | 08/13/20 | State aid to districts | To conform Part 363 to S&WCL Sec. 11-a statutory amendments and to make technical amendments. |
| AAM-43-19-00009-P | 10/22/20 | Control of the Asian Long Horned Beetle (ALB) | To lift approximately 58 square miles of Asian long horned beetle quarantine in Brooklyn and western Queens |
| AAM-47-19-00002-P | 11/19/20 | Golden Nematode (<i>Globodera Rostochiensis</i>) Quarantine | To lift the Golden Nematode quarantine in portions of the Towns of East Hampton and Riverhead in Suffolk County. |

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

| | | | |
|-------------------|----------|--|--|
| ASA-44-19-00002-P | 10/29/20 | Limits on administrative expenses and executive compensation | To define limits on administrative expenses and executive compensation in accordance with state law and Executive Order 38 |
|-------------------|----------|--|--|

AUDIT AND CONTROL, DEPARTMENT OF

| | | | |
|-------------------|----------|---|--|
| AAC-49-19-00002-P | 12/03/20 | Relates to interest rate of estimated earnings; filing of documents; maximum loan amount; and electronic signatures | Update and conform regulations relating to interest; filing of documents; maximum loan amount; and electronic signatures |
|-------------------|----------|---|--|

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------------|---|---|
| BRIDGE AUTHORITY, NEW YORK STATE | | | |
| SBA-01-20-00004-P | exempt | A proposal to amend the NYS Bridge Authority Toll Schedule. | To amend toll schedule for vehicular bridges controlled by the NYS Bridge Authority in order to provide additional revenue. |
| SBA-01-20-00005-P | 03/09/21 | Toll collection and violations. | To amend toll collection procedures and implement toll violation enforcement on NYSBA bridges. |
| CHILDREN AND FAMILY SERVICES, OFFICE OF | | | |
| *CFS-51-18-00010-RP | 03/18/20 | Residential and non-residential services to victims of domestic violence | To conform the existing regulations to comply with state and federal laws regarding services to victims of domestic violence |
| CFS-36-19-00004-ERP | 09/03/20 | Removal of non-medical exemption from vaccination regulations for child day care programs | To remove the non-medical exemption from vaccination regulations for child day care programs |
| CFS-39-19-00005-EP | 09/24/20 | Implement federal statutory requirements to include enhanced background checks, annual inspections, annual training and safety. | Implement federal statutory requirements to include enhanced background checks, annual inspections, annual training and safety. |
| CFS-39-19-00007-EP | 09/24/20 | Implement statutory requirements to include enhanced background checks, annual inspections, annual training and safety. | Implement statutory requirements to include enhanced background checks, annual inspections, annual training and safety. |
| CFS-42-19-00002-P | 10/15/20 | Permissible disclosure of records maintained by OCFS. | To amend existing regulations regarding the permissible disclosure of records by OCFS. |
| 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 |
| CIVIL SERVICE, DEPARTMENT OF | | | |
| CVS-06-19-00001-P | 02/06/20 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-25-19-00006-P | 06/18/20 | Jurisdictional Classification | To classify positions in the non-competitive class. |
| CVS-29-19-00013-P | 07/16/20 | Jurisdictional Classification | To classify positions in the exempt class and to delete positions from the non-competitive class |
| CVS-34-19-00011-P | 08/20/20 | Jurisdictional Classification | To delete positions from and classify positions in the non-competitive class |
| CVS-42-19-00009-P | 10/15/20 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-42-19-00010-P | 10/15/20 | Jurisdictional Classification | To classify positions in the exempt class |
| CVS-42-19-00011-P | 10/15/20 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-42-19-00012-P | 10/15/20 | Jurisdictional Classification | To delete positions from and classify positions in the non-competitive class |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|-------------------------------------|----------|-------------------------------|--|
| CIVIL SERVICE, DEPARTMENT OF | | | |
| CVS-42-19-00013-P | 10/15/20 | Jurisdictional Classification | To delete positions from the non-competitive class |
| CVS-42-19-00014-P | 10/15/20 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-42-19-00015-P | 10/15/20 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-42-19-00016-P | 10/15/20 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-42-19-00017-P | 10/15/20 | Jurisdictional Classification | To delete a position from and classify a position in the exempt class |
| CVS-42-19-00018-P | 10/15/20 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-42-19-00019-P | 10/15/20 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-42-19-00020-P | 10/15/20 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-42-19-00021-P | 10/15/20 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-42-19-00022-P | 10/15/20 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-42-19-00023-P | 10/15/20 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-42-19-00024-P | 10/15/20 | Jurisdictional Classification | To delete positions from and classify positions in the non-competitive class |
| CVS-42-19-00025-P | 10/15/20 | Jurisdictional Classification | To delete positions from and classify positions in the exempt and non-competitive classes |
| CVS-42-19-00026-P | 10/15/20 | Jurisdictional Classification | To classify positions in the exempt class and to delete a position from and classify positions in the non-competitive class |
| CVS-42-19-00027-P | 10/15/20 | Jurisdictional Classification | To classify positions in the exempt and non-competitive classes |
| CVS-45-19-00003-P | 11/05/20 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-45-19-00004-P | 11/05/20 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-45-19-00005-P | 11/05/20 | Jurisdictional Classification | To delete positions from and classify a position in the non-competitive class |
| CVS-45-19-00006-P | 11/05/20 | Jurisdictional Classification | To delete positions from the non-competitive class |
| CVS-45-19-00007-P | 11/05/20 | Jurisdictional Classification | To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class |
| CVS-45-19-00008-P | 11/05/20 | Jurisdictional Classification | To delete positions from and classify a position in the labor class |

Action Pending Index**NYS Register/January 8, 2020**

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------|--|--|
| CIVIL SERVICE, DEPARTMENT OF | | | |
| CVS-45-19-00009-P | 11/05/20 | Jurisdictional Classification | To delete a position from and classify a position in the exempt class |
| CVS-51-19-00002-P | 12/17/20 | Jurisdictional Classification | To delete positions from and classify positions in the non-competitive class |
| 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 |
| CORRECTION, STATE COMMISSION OF | | | |
| CMC-35-19-00002-P | 08/27/20 | Disciplinary and administrative segregation of inmates in special housing. | Prohibit the segregation of vulnerable inmates, and to standardize allowable uses and duration of special housing segregation. |
| CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF | | | |
| CCS-21-19-00014-P | 05/21/20 | Adolescent Offender Facilities | To reclassify two existing correctional facilities to adolescent offender facilities. |
| CCS-35-19-00001-P | 08/27/20 | Special Housing Units | Revisions have been made in order to be in compliance with new laws regarding special housing units and solitary confinement use |
| CCS-50-19-00002-P | 12/10/20 | Raise the Age | To update each correctional facility's regulation as a direct result of the Raise the Age legislation |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------|---|---|
| CRIMINAL JUSTICE SERVICES, DIVISION OF | | | |
| CJS-20-19-00003-P | 05/14/20 | Certified Instructors and Course Directors | Establish/maintain effective procedures governing certified instructors and course directors who deliver MPTC-approved courses |
| CJS-30-19-00010-EP | 07/23/20 | Use of Force | Set forth use of force reporting and recordkeeping procedures |
| ECONOMIC DEVELOPMENT, DEPARTMENT OF | | | |
| EDV-43-19-00001-P | 10/22/20 | Empire State Commercial Production Credit Program | Create administrative procedures for all components of the Empire State Commercial Production Credit Program |
| EDUCATION DEPARTMENT | | | |
| *EDU-52-18-00005-P | 12/26/19 | Annual professional performance reviews. | To extend the transition period for an additional year (until 2019-2020). |
| EDU-05-19-00008-RP | 01/30/20 | Protecting Personally Identifiable Information | To implement the provisions of Education Law section 2-d |
| EDU-17-19-00008-P | 04/23/20 | To require study in language acquisition and literacy development of English language learners in certain teacher preparation | To ensure that newly certified teachers enter the workforce fully prepared to serve our ELL population |
| EDU-27-19-00010-P | 07/02/20 | Substantially Equivalent Instruction for Nonpublic School Students | Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law |
| EDU-31-19-00009-EP | 07/30/20 | Instructional Time for State Aid purposes | To provide school districts with additional flexibility when establishing their school calendars |
| EDU-39-19-00008-ERP | 09/24/20 | The Education, Experience, Examination and Endorsement Requirements for Licensure as an Architect | To more closely align New York's requirements for architects with national standards and to streamline the endorsement process. |
| EDU-39-19-00009-P | 09/24/20 | Requirements for Licensure as an Architect | To more closely align the Commissioner's Regulations with national standards for licensure as an architect. |
| EDU-39-19-00012-P | 09/24/20 | Building Condition Surveys and Visual and Periodic Inspections of Public School Buildings | To align the Commissioner's Regulations with amendments made to Education Law sections 409-9d, 409-e, and 3641. |
| EDU-43-19-00011-P | 10/22/20 | Addition of Subject Ares to the Limited Extension and SOCE for Certain Teachers of Students with Disabilities | To enable more qualified teachers of students with disabilities to seek the limited extension and SOCE |
| EDU-43-19-00012-EP | 10/22/20 | Annual Professional Performance Reviews of Classroom Teachers and Building Principals | Necessary to implement part YYY of chapter 59 of the Laws of 2019 |
| EDU-43-19-00013-P | 10/22/20 | Requirements for Chiropractic Education Programs and Education Requirements for Licensure as a Chiropractor | To conform educational requirements for the profession of chiropractic to the national preprofessional education standards |
| EDU-47-19-00005-P | 11/19/20 | Physical Education Requirements for a Diploma and Transfer Credits for Students Earning Credit in an Educational Program. | To implement Raise the Age legislation pursuant to Part WWW of Chapter 59 of the Laws of 2017. |

Action Pending Index**NYS Register/January 8, 2020**

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|---|--|
| EDUCATION DEPARTMENT | | | |
| EDU-47-19-00006-EP | 11/19/20 | Permit physicians licensed in another state or territory to provide medical services to athletes and team personnel in New York | To align the Regulations of the Commissioner with chapter 519 of the Laws of 2018 and chapter 199 of the Laws of 2019 |
| EDU-47-19-00007-EP | 11/19/20 | Profession of Registered Dental Assisting. | To conform the Regulations of the Commissioner with Chapter 390 of the laws of 2019. |
| EDU-52-19-00007-P | 12/23/20 | Update Provisions Relating to Pupil Transportation | To update provisions of the Commissioner's Regulations relating to pupil transportation |
| EDU-52-19-00008-EP | 12/23/20 | Restricted License for Clinical Laboratory Technologist | Implement Chapter 227 of 2019 by adding toxicology to the category of restricted licenses for clinical laboratory technologists |
| EDU-52-19-00009-EP | 12/23/20 | Continuing Education in the Profession of Public Accountancy | Implement the provisions of chapter 413 of the Laws of 2018 |
| EDU-52-19-00010-EP | 12/23/20 | Duties and responsibilities of the counsel of the State Education Department | To designate counsel as the deputy commissioner of education as specified in Education Law, section 101 |
| ELECTIONS, STATE BOARD OF | | | |
| SBE-22-19-00003-EP | 05/28/20 | Process for Early Voting | Establishing Process for Early Voting |
| SBE-35-19-00003-EP | 08/27/20 | Ballot Accountability Practices | Establishes additional ballot accountability procedures |
| ENVIRONMENTAL CONSERVATION, DEPARTMENT OF | | | |
| ENV-18-19-00006-EP | 04/30/20 | Regulations governing commercial fishing and harvest of scup. | To revise regulations concerning the commercial harvest of scup in New York State waters. |
| ENV-24-19-00002-P | 08/18/20 | Hazardous Waste Management Regulations (FedReg5) | To amend regulations pertaining to hazardous waste management |
| ENV-27-19-00003-P | 07/02/20 | Black Bear hunting. | Expand bear hunting opportunities in Wildlife Management Unit 4W to reduce bear abundance. |
| ENV-36-19-00001-P | 11/07/20 | Waste Fuels | Update permit references, rule citations, monitoring, record keeping, reporting requirements, and incorporate federal standards. |
| ENV-36-19-00002-P | 11/07/20 | New Aftermarket Catalytic Converter (AMCC) standards | Prohibit sale of federal AMCCs and update existing AMCC record keeping and reporting requirements |
| 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-36-19-00014-P | 11/19/20 | Distributed generation sources located in New York City, Long Island and Westchester and Rockland counties | Establish emission control requirements for sources used in demand response programs or as price-responsive generation sources |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|---|---|
| ENVIRONMENTAL CONSERVATION, DEPARTMENT OF | | | |
| ENV-37-19-00003-P | 09/10/20 | Clarifying determination of jurisdiction under the Endangered and Threatened Fish and Wildlife regulations | To improve the review of projects by removing some project types that are known not to cause harm from the review stream |
| ENV-38-19-00001-P | 09/17/20 | Animals dangerous to health or welfare | To expand the list of animals which pose a risk to health or welfare of the people of the state or indigenous fish and wildlife |
| ENV-39-19-00003-P | 12/05/20 | Part 219 applies to various types of incinerators and crematories operated in New York State. | This rule establishes emission limits and operating requirements for various types of incinerators. |
| ENV-42-19-00003-P | 10/15/20 | Amendments to Great Lakes sportfishery regulations in 6NYCRR Part 10 | Proposed amendments are intended to improve high quality sportfisheries and associated economic benefits |
| ENV-43-19-00006-P | 01/07/21 | Class I and Class SD waters | To clarify best usages of Class I and SD waters were/are "secondary contact recreation and fishing" and "fishing," respectively |
| ENV-43-19-00010-P | 01/06/21 | Repeal and replace 6 NYCRR Part 622 and amend 6 NYCRR Part 624, Part 621 and Part 620 | To incorporate procedural and legal developments, develop consistency & reflect current practice in DEC hearings |
| ENV-48-19-00008-P | 01/26/21 | Plastic Bag Reduction, Reuse and Recycling | The objectives of this rulemaking are to provide clarity to Titles 27 and 28 so that they can both be effectively implemented |
| 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 |
| FINANCIAL SERVICES, DEPARTMENT OF | | | |
| *DFS-17-16-00003-P | exempt | Plan of Conversion by Commercial Travelers Mutual Insurance Company | To convert a mutual accident and health insurance company to a stock accident and health insurance company |
| *DFS-25-18-00006-P | exempt | Plan of Conversion by Medical Liability Mutual Insurance Company | To convert a mutual property and casualty insurance company to a stock property and casualty insurance company |
| DFS-33-19-00004-P | 08/13/20 | Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure | To set forth minimum standards for the content of health insurance identification cards. |
| DFS-43-19-00017-P | 10/22/20 | INDEPENDENT DISPUTE RESOLUTION FOR EMERGENCY SERVICES AND SURPRISE BILLS | To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided |
| DFS-44-19-00010-P | 10/29/20 | Superintendent's Regulations: Basic Banking Accounts | To amend the requirements of basic banking accounts in conformity with Chapter 260 of the Laws of 2019 |
| DFS-44-19-00011-P | 10/29/20 | Principle-Based Reserving | To prescribe minimum principle-based valuation standards |
| DFS-47-19-00003-P | 11/19/20 | Banking Division Assessments | Set forth the basis for allocating costs and expenses attributable to the operation of the Banking Division for FSL assessments |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|---|--|
| FINANCIAL SERVICES, DEPARTMENT OF | | | |
| DFS-48-19-00002-P | 11/26/20 | SUPERINTENDENT’S REGULATIONS: INFORMATION SUBJECT TO CONFIDENTIAL TREATMENT | Provide rules concerning publication or disclosure of information subject to confidential treatment |
| DFS-51-19-00015-P | 12/17/20 | Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure | Clarifying discriminatory activities prohibited by and coverages included within preventive care and screenings under the IL |
| DFS-53-19-00013-EP | 12/30/20 | Rules Governing the Procedures for Adjudicatory Proceedings Before the Department of Financial Services | To unify and clarify the procedures for adjudicatory proceedings before the Department of Financial Services |
| DFS-53-19-00014-EP | 12/30/20 | Charges for Professional Health Services | To delay the effective date of the workers’ compensation fee schedules for no-fault reimbursement. |
| DFS-53-19-00015-EP | 12/30/20 | Supplementary Uninsured/Underinsured Motorist Coverage | To comport with statutory amendments to Chapter 59, Part III of the Laws of 2019 and Insurance Law Section 3420(f) |
| DFS-01-20-00002-P | 01/07/21 | Certification of Compliance, Due Date | To amend the date by which Covered Entities must submit a certification of compliance, from February to April. |

GAMING COMMISSION, NEW YORK STATE

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|-------------------|----------|---|--|
| SGC-01-20-00006-P | 01/07/21 | Permit Thoroughbred horses with digital tattoos to race in New York | To promote the integrity of racing and derive a reasonable return for government |
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GENERAL SERVICES, OFFICE OF

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|-------------------|----------|--------------|---|
| GNS-40-19-00005-P | 10/01/20 | Facility Use | To add “plastic knuckles” and remove “gravity knife” from the definition of “deadly weapon” |
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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-51-18-00018-P | 12/19/19 | New requirements for Annual Registration of Licensed Home Care Services Agencies | To amend the regulations for licensed home care services agencies for the annual registration requirements of the agency |
| HLT-30-19-00006-P | 07/23/20 | Maximum Contaminant Levels (MCLs) | Incorporating MCLs for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS) and 1,4-dioxane. |
| HLT-36-19-00006-P | 09/03/20 | Limits on Executive Compensation | Removes “Soft Cap” prohibition on covered executive salaries. |
| HLT-40-19-00002-EP | 10/01/20 | Required Signage Warning Against the Dangers of Illegal Products | To require sellers of legal e-liquids and e-cigarette products to post warning signs regarding illegal products |
| HLT-40-19-00004-P | 10/01/20 | Drug Take Back | To implement the State’s drug take back program to provide for the safe disposal of drugs |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------|--|--|
| HEALTH, DEPARTMENT OF | | | |
| HLT-43-19-00005-P | 10/22/20 | Transitional Adult Home Admission Standards for Individuals with Serious Mental Illness | Delineate a clear pre-admissions process for determining whether a prospective resident is a person with serious mental illness |
| HLT-45-19-00001-P | 11/05/20 | Medical Use of Marihuana | To allow NYS hemp growers to sell hemp-derived cannabidiol to the Registered Organizations to reduce the cost of manufacturing. |
| HLT-45-19-00002-P | 11/05/20 | Licensed Home Care Services Agencies (LHCAS) | To implement changes to public need & financial feasibility review for applications for HCASs licensure & change of ownership. |
| 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-48-19-00003-EP | 11/26/20 | Secondary Syringe Exchange in New York State | To reduce the spread of blood-borne pathogens, to reduce or eliminate other harms associated with contaminated syringes |
| 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. |
| HOUSING AND COMMUNITY RENEWAL, DIVISION OF | | | |
| HCR-21-19-00019-P | 07/21/20 | Low-Income Housing Qualified Allocation Plan | To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits. |
| HCR-48-19-00001-P | 11/26/20 | The subject of these amendments is the change in the location of DHCR's Office Of Legal Affairs (OLA). | The purpose is to inform the public of the change in DHCR's Office of Legal Affairs' location. |
| HOUSING FINANCE AGENCY | | | |
| HFA-21-19-00020-P | 07/21/20 | Low-Income Housing Qualified Allocation Plan | To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|------------------------------------|----------|--|--|
| HUMAN RIGHTS, DIVISION OF | | | |
| HRT-27-19-00002-P | 07/02/20 | Gender Identity or Expression Discrimination | To conform the Division's regulations with Executive Law as amended by Chapter 8 of the Laws of New York 2019. |
| 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 |
| 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-37-19-00005-P | exempt | The Authority's annual budget, as reflected in the rates and charges in the Tariff for Electric Service | To update the Tariff to implement the Authority's annual budget and corresponding rate adjustments |
| LPA-37-19-00006-P | exempt | The modification of the SGIP to clarify and reflect updates to the State's Standardized Interconnection Requirements (SIR) | To be consistent with the State's SIR and related orders |
| LPA-37-19-00007-P | exempt | The standard rates for pole attachments of the Authority's Tariff for Electric Service | To update the Authority's standard rates for pole attachments in accordance with recent Public Service Commission action |
| LPA-47-19-00017-P | exempt | VDER, net metering, and community distributed generation | To update the Authority's tariff for consistency with the Public Service Commission, Department of Public Service, and CLCPA. |
| MENTAL HEALTH, OFFICE OF | | | |
| OMH-43-19-00008-P | 10/22/20 | Personalized Recovery Oriented Services (PROS) | To Allow PROS participants to receive Clinic Treatment from an Article 31 Clinic operated by the same agency |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------|---|---|
| MENTAL HEALTH, OFFICE OF | | | |
| OMH-46-19-00005-P | 11/12/20 | Definition of "Case record, clinical record, medical record or patient record" | To clarify that the agency does not consider the provision to apply to the definition of "record" as set forth in MHL 9.01 |
| OMH-47-19-00001-P | 11/19/20 | Limits on Executive Compensation | To eliminate "soft cap" restrictions on compensation. |
| METROPOLITAN TRANSPORTATION AGENCY | | | |
| MTA-23-19-00006-EP | 06/04/20 | Debarment of contractors | To comply with Public Authorities Law, section 1279-h, which requires the MTA to establish a debarment process for contractors |
| NIAGARA FALLS WATER BOARD | | | |
| *NFW-04-13-00004-EP | exempt | Adoption of Rates, Fees and Charges | To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders |
| *NFW-13-14-00006-EP | exempt | Adoption of Rates, Fees and Charges | To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders |
| NFW-01-19-00019-EP | exempt | Adoption of Rates, Fees, and Charges | To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders |
| OGDENSBURG BRIDGE AND PORT AUTHORITY | | | |
| *OBA-33-18-00019-P | exempt | Increase in Bridge Toll Structure | To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit. |
| OBA-07-19-00019-P | exempt | Increase in Bridge Toll Structure | To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit |
| 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 |
| PAS-42-19-00008-P | exempt | Rates for the Sale of Power and Energy | To align rates and costs |
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-09-99-00012-P | exempt | Transfer of books and records by Citizens Utilities Company | To relocate Ogdan Telephone Company's books and records out-of-state |
| *PSC-15-99-00011-P | exempt | Electronic tariff by Woodcliff Park Corp. | To replace the company's current tariff with an electronic tariff |
| *PSC-12-00-00001-P | exempt | Winter bundled sales service election date by Central Hudson Gas & Electric Corporation | To revise the date |
| *PSC-44-01-00005-P | exempt | Annual reconciliation of gas costs by Corning Natural Gas Corporation | To authorize the company to include certain gas costs |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-07-02-00032-P | exempt | Uniform business practices | To consider modification |
| *PSC-36-03-00010-P | exempt | Performance assurance plan by Verizon New York | To consider changes |
| *PSC-40-03-00015-P | exempt | Receipt of payment of bills by St. Lawrence Gas Company | To revise the process |
| *PSC-41-03-00010-P | exempt | Annual reconciliation of gas expenses and gas cost recoveries | To consider filings of various LDCs and municipalities |
| *PSC-41-03-00011-P | exempt | Annual reconciliation of gas expenses and gas cost recoveries | To consider filings of various LDCs and municipalities |
| *PSC-44-03-00009-P | exempt | Retail access data between jurisdictional utilities | To accommodate changes in retail access market structure or commission mandates |
| *PSC-02-04-00008-P | exempt | Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York | To rehear the Nov. 25, 2003 order |
| *PSC-06-04-00009-P | exempt | Transfer of ownership interest by SCS Energy LLC and AE Investors LLC | To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC |
| *PSC-10-04-00005-P | exempt | Temporary protective order | To consider adopting a protective order |
| *PSC-10-04-00008-P | exempt | Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue | To amend the agreement |
| *PSC-14-04-00008-P | exempt | Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds | To submeter gas service to commercial customers located at the Buffalo Speedway |
| *PSC-15-04-00022-P | exempt | Submetering of electricity by Glenn Gardens Associates, L.P. | To permit submetering at 175 W. 87th St., New York, NY |
| *PSC-21-04-00013-P | exempt | Verizon performance assurance plan by Metropolitan Telecommunications | To clarify the appropriate performance level |
| *PSC-22-04-00010-P | exempt | Approval of new types of electricity meters by Powell Power Electric Company | To permit the use of the PE-1250 electronic meter |
| *PSC-22-04-00013-P | exempt | Major gas rate increase by Consolidated Edison Company of New York, Inc. | To increase annual gas revenues |
| *PSC-22-04-00016-P | exempt | Master metering of water by South Liberty Corporation | To waive the requirement for installation of separate water meters |
| *PSC-25-04-00012-P | exempt | Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P. | To amend the agreement |
| *PSC-27-04-00008-P | exempt | Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates | To amend the agreement |
| *PSC-27-04-00009-P | exempt | Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates | To amend the agreement |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-28-04-00006-P | exempt | Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation | To authorize participation in the parent corporation's line of credit |
| *PSC-31-04-00023-P | exempt | Distributed generation service by Consolidated Edison Company of New York, Inc. | To provide an application form |
| *PSC-34-04-00031-P | exempt | Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc. | To set appropriate level of permanent rates |
| *PSC-35-04-00017-P | exempt | Application form for distributed generation by Orange and Rockland Utilities, Inc. | To establish a new supplementary application form for customers |
| *PSC-43-04-00016-P | exempt | Accounts recievable by Rochester Gas and Electric Corporation | To include in its tariff provisions for the purchase of ESCO accounts recievable |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-50-05-00008-P | exempt | Long-term debt by Saratoga Glen Hollow Water Supply Corp. | To obtain long-term debt |
| *PSC-04-06-00024-P | exempt | Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc. | To approve of the transfer |
| *PSC-06-06-00015-P | exempt | Gas curtailment policies and procedures | To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established |
| *PSC-07-06-00009-P | exempt | Modification of the current Environmental Disclosure Program | To include an attributes accounting system |
| *PSC-22-06-00019-P | exempt | Hourly pricing by National Grid | To assess the impacts |
| *PSC-22-06-00020-P | exempt | Hourly pricing by New York State Electric & Gas Corporation | To assess the impacts |
| *PSC-22-06-00021-P | exempt | Hourly pricing by Rochester Gas & Electric Corporation | To assess the impacts |
| *PSC-22-06-00022-P | exempt | Hourly pricing by Consolidated Edison Company of New York, Inc. | To assess the impacts |
| *PSC-22-06-00023-P | exempt | Hourly pricing by Orange and Rockland Utilities, Inc. | To assess the impacts |
| *PSC-24-06-00005-EP | exempt | Supplemental home energy assistance benefits | To extend the deadline to Central Hudson's low-income customers |
| *PSC-25-06-00017-P | exempt | Purchased power adjustment by Massena Electric Department | To revise the method of calculating the purchased power adjustment and update the factor of adjustment |
| *PSC-34-06-00009-P | exempt | Inter-carrier telephone service quality standards and metrics by the Carrier Working Group | To incorporate appropriate modifications |
| *PSC-37-06-00015-P | exempt | Procedures for estimation of customer bills by Rochester Gas and Electric Corporation | To consider estimation procedures |
| *PSC-37-06-00017-P | exempt | Procedures for estimation of customer bills by Rochester Gas and Electric Corporation | To consider estimation procedures |
| *PSC-43-06-00014-P | exempt | Electric delivery services by Strategic Power Management, Inc. | To determine the proper mechanism for the rate-recovery of costs |
| *PSC-04-07-00012-P | exempt | Petition for rehearing by Orange and Rockland Utilities, Inc. | To clarify the order |
| *PSC-06-07-00015-P | exempt | Meter reading and billing practices by Central Hudson Gas & Electric Corporation | To continue current meter reading and billing practices for electric service |
| *PSC-06-07-00020-P | exempt | Meter reading and billing practices by Central Hudson Gas & Electric Corporation | To continue current meter reading and billing practices for gas service |
| *PSC-11-07-00010-P | exempt | Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc. | To implement the recommendations in the staff's investigation |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-11-07-00011-P | exempt | Storm-related power outages by Consolidated Edison Company of New York, Inc. | To modify the company's response to power outages, the timing for any such changes and other related matters |
| *PSC-17-07-00008-P | exempt | Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc. | To amend the agreement |
| *PSC-18-07-00010-P | exempt | Existing electric generating stations by Independent Power Producers of New York, Inc. | To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation |
| *PSC-20-07-00016-P | exempt | Tariff revisions and making rates permanent by New York State Electric & Gas Corporation | To seek rehearing |
| *PSC-21-07-00007-P | exempt | Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation | To revise the rates, charges, rules and regulations for gas service |
| *PSC-22-07-00015-P | exempt | Demand Side Management Program by Consolidated Edison Company of New York, Inc. | To recover incremental program costs and lost revenue |
| *PSC-23-07-00022-P | exempt | Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation | To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity |
| *PSC-24-07-00012-P | exempt | Gas Efficiency Program by the City of New York | To consider rehearing a decision establishing a Gas Efficiency Program |
| *PSC-39-07-00017-P | exempt | Gas bill issuance charge by New York State Electric & Gas Corporation | To create a gas bill issuance charge unbundled from delivery rates |
| *PSC-41-07-00009-P | exempt | Submetering of electricity rehearing | To seek reversal |
| *PSC-42-07-00012-P | exempt | Energy efficiency program by Orange and Rockland Utilities, Inc. | To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service |
| *PSC-42-07-00013-P | exempt | Revenue decoupling by Orange and Rockland Utilities, Inc. | To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc. |
| *PSC-45-07-00005-P | exempt | Customer incentive programs by Orange and Rockland Utilities, Inc. | To establish a tariff provision |
| *PSC-02-08-00006-P | exempt | Additional central office codes in the 315 area code region | To consider options for making additional codes |
| *PSC-03-08-00006-P | exempt | Rehearing of the accounting determinations | To grant or deny a petition for rehearing of the accounting determinations |
| *PSC-04-08-00010-P | exempt | Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation | To grant easement rights to Millennium Pipeline Company, L.L.C. |
| *PSC-04-08-00012-P | exempt | Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs | To consider modifying the commission's regulation over marketing practices of energy service companies |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-08-08-00016-P | exempt | Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al. | To consider the transfer |
| *PSC-12-08-00019-P | exempt | Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation | To consider the request |
| *PSC-12-08-00021-P | exempt | Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation | To consider the request |
| *PSC-13-08-00011-P | exempt | Waiver of commission policy and NYSEG tariff by Turner Engineering, PC | To grant or deny Turner's petition |
| *PSC-13-08-00012-P | exempt | Voltage drops by New York State Electric & Gas Corporation | To grant or deny the petition |
| *PSC-23-08-00008-P | exempt | Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project | To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project |
| *PSC-25-08-00007-P | exempt | Policies and procedures regarding the selection of regulatory proposals to meet reliability needs | To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs |
| *PSC-25-08-00008-P | exempt | Report on Callable Load Opportunities | Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years |
| *PSC-28-08-00004-P | exempt | Con Edison's procedure for providing customers access to their account information | To consider Con Edison's implementation plan and timetable for providing customers access to their account information |
| *PSC-31-08-00025-P | exempt | Recovery of reasonable DRS costs from the cost mitigation reserve (CMR) | To authorize recovery of the DRS costs from the CMR |
| *PSC-32-08-00009-P | exempt | The ESCO referral program for KEDNY to be implemented by October 1, 2008 | To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program |
| *PSC-33-08-00008-P | exempt | Noble Allegany's request for lightened regulation | To consider Noble Allegany's request for lightened regulation as an electric corporation |
| *PSC-36-08-00019-P | exempt | Land Transfer in the Borough of Manhattan, New York | To consider petition for transfer of real property to NYPH |
| *PSC-39-08-00010-P | exempt | RG&E's economic development plan and tariffs | Consideration of the approval of RG&E's economic development plan and tariffs |
| *PSC-40-08-00010-P | exempt | Loans from regulated company to its parent | To determine if the cash management program resulting in loans to the parent should be approved |
| *PSC-41-08-00009-P | exempt | Transfer of control of cable TV franchise | To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-43-08-00014-P | exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries | The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries |
| *PSC-46-08-00008-P | exempt | Property transfer in the Village of Avon, New York | To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York |
| *PSC-46-08-00010-P | exempt | A transfer of indirect ownership interests in nuclear generation facilities | Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities |
| *PSC-46-08-00014-P | exempt | The attachment of cellular antennae to an electric transmission tower | To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower |
| *PSC-48-08-00005-P | exempt | A National Grid high efficiency gas heating equipment rebate program | To expand eligibility to customers converting from oil to natural gas |
| *PSC-48-08-00008-P | exempt | Petition for the master metering and submetering of electricity | To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York |
| *PSC-48-08-00009-P | exempt | Petition for the submetering of electricity | To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York |
| *PSC-50-08-00018-P | exempt | Market Supply Charge | A study on the implementation of a revised Market Supply Charge |
| *PSC-51-08-00006-P | exempt | Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458 | To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458 |
| *PSC-51-08-00007-P | exempt | Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078 | To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078 |
| *PSC-53-08-00011-P | exempt | Use of deferred Rural Telephone Bank funds | To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds |
| *PSC-53-08-00012-P | exempt | Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY | Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY |
| *PSC-53-08-00013-P | exempt | To transfer common stock and ownership | To consider transfer of common stock and ownership |
| *PSC-01-09-00015-P | exempt | FCC decision to redefine service area of Citizens/Frontier | Review and consider FCC proposed redefinition of Citizens/Frontier service area |
| *PSC-02-09-00010-P | exempt | Competitive classification of independent local exchange company, and regulatory relief appropriate thereto | To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2 |
| *PSC-05-09-00008-P | exempt | Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues | To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-05-09-00009-P | exempt | Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects | To consider the long term impacts on steam rates and on public policy of various options concerning the steam system |
| *PSC-06-09-00007-P | exempt | Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm. |
| *PSC-07-09-00015-P | exempt | Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property | To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets |
| *PSC-07-09-00017-P | exempt | Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm | To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm |
| *PSC-07-09-00018-P | exempt | Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY | To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York |
| *PSC-12-09-00010-P | exempt | Charges for commodity | To charge customers for commodity costs |
| *PSC-12-09-00012-P | exempt | Charges for commodity | To charge customers for commodity costs |
| *PSC-13-09-00008-P | exempt | Options for making additional central office codes available in the 718/347 numbering plan area | To consider options for making additional central office codes available in the 718/347 numbering plan area |
| *PSC-14-09-00014-P | exempt | The regulation of revenue requirements for municipal utilities by the Public Service Commission | To determine whether the regulation of revenue requirements for municipal utilities should be modified |
| *PSC-16-09-00010-P | exempt | Petition for the submetering of electricity | To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York |
| *PSC-16-09-00020-P | exempt | Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity | Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity |
| *PSC-17-09-00010-P | exempt | Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts | To permit electric utilities in New York State to use the Elster REX2 |
| *PSC-17-09-00011-P | exempt | Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes | Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes |
| *PSC-17-09-00012-P | exempt | Petition for the submetering of gas at commercial property | To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY |
| *PSC-17-09-00014-P | exempt | Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff | To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff |
| *PSC-17-09-00015-P | exempt | The construction of a tower for wireless antennas on land owned by National Grid | To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-18-09-00012-P | exempt | Petition for rehearing of Order approving the submetering of electricity | To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York |
| *PSC-18-09-00013-P | exempt | Petition for the submetering of electricity | To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York |
| *PSC-18-09-00017-P | exempt | Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers | To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower |
| *PSC-20-09-00016-P | exempt | The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc | To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc |
| *PSC-20-09-00017-P | exempt | The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program | To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program |
| *PSC-22-09-00011-P | exempt | Cost allocation for Consolidated Edison's East River Repowering Project | To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project |
| *PSC-25-09-00005-P | exempt | Whether to grant, deny, or modify, in whole or in part, the petition | Whether to grant, deny, or modify, in whole or in part, the petition |
| *PSC-25-09-00006-P | exempt | Electric utility implementation plans for proposed web based SIR application process and project status database | To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation |
| *PSC-25-09-00007-P | exempt | Electric rates for Consolidated Edison Company of New York, Inc | Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc |
| *PSC-27-09-00011-P | exempt | Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access. | To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p. |
| *PSC-27-09-00014-P | exempt | Billing and payment for energy efficiency measures through utility bill | To promote energy conservation |
| *PSC-27-09-00015-P | exempt | Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p. |
| *PSC-29-09-00011-P | exempt | Consideration of utility compliance filings | Consideration of utility compliance filings |
| *PSC-32-09-00009-P | exempt | Cost allocation for Consolidated Edison's East River Repowering Project | To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project |
| *PSC-34-09-00016-P | exempt | Recommendations made in the Management Audit Final Report | To consider whether to take action or recommendations contained in the Management Audit Final Report |
| *PSC-34-09-00017-P | exempt | To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC | To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-36-09-00008-P | exempt | The increase in the non-bypassable charge implemented by RG&E on June 1, 2009 | Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009 |
| *PSC-37-09-00015-P | exempt | Sale of customer-generated steam to the Con Edison steam system | To establish a mechanism for sale of customer-generated steam to the Con Edison steam system |
| *PSC-37-09-00016-P | exempt | Applicability of electronic signatures to Deferred Payment Agreements | To determine whether electronic signatures can be accepted for Deferred Payment Agreements |
| *PSC-39-09-00015-P | exempt | Modifications to the \$5 Bill Credit Program | Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program |
| *PSC-39-09-00018-P | exempt | The offset of deferral balances with Positive Benefit Adjustments | To consider a petition to offset deferral balances with Positive Benefit Adjustments |
| *PSC-40-09-00013-P | exempt | Uniform System of Accounts - request for deferral and amortization of costs | To consider a petition to defer and amortize costs |
| *PSC-51-09-00029-P | exempt | Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs | To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period |
| *PSC-51-09-00030-P | exempt | Waiver or modification of Capital Expenditure condition of merger | To allow the companies to expend less funds for capital improvement than required by the merger |
| *PSC-52-09-00006-P | exempt | ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology | To consider whether to change the Order Prescribing Study Methodology |
| *PSC-52-09-00008-P | exempt | Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000 | To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities |
| *PSC-05-10-00008-P | exempt | Petition for the submetering of electricity | To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY |
| *PSC-05-10-00015-P | exempt | Petition for the submetering of electricity | To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY |
| *PSC-06-10-00022-P | exempt | The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility | To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility |
| *PSC-07-10-00009-P | exempt | Petition to revise the Uniform Business Practices | To consider the RESA petition to allow rescission of a customer request to return to full utility service |
| *PSC-08-10-00007-P | exempt | Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847 | Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847 |
| *PSC-08-10-00009-P | exempt | Consolidated Edison of New York, Inc. energy efficiency programs | To modify approved energy efficiency programs |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-12-10-00015-P | exempt | Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations | To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations |
| *PSC-14-10-00010-P | exempt | Petition for the submetering of electricity | To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY |
| *PSC-16-10-00005-P | exempt | To consider adopting and expanding mobile stray voltage testing requirements | Adopt additional mobile stray voltage testing requirements |
| *PSC-16-10-00007-P | exempt | Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications |
| *PSC-16-10-00015-P | exempt | Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications |
| *PSC-18-10-00009-P | exempt | Electric utility transmission right-of-way management practices | To consider electric utility transmission right-of-way management practices |
| *PSC-19-10-00022-P | exempt | Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York | To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York |
| *PSC-22-10-00006-P | exempt | Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service | Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service |
| *PSC-22-10-00008-P | exempt | Petition for the submetering of electricity | To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York |
| *PSC-24-10-00009-P | exempt | Verizon New York Inc. tariff regulations relating to voice messaging service | To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff |
| *PSC-25-10-00012-P | exempt | Reassignment of the 2-1-1 abbreviated dialing code | Consideration of petition to reassign the 2-1-1 abbreviated dialing code |
| *PSC-27-10-00016-P | exempt | Petition for the submetering of electricity | To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York |
| *PSC-34-10-00003-P | exempt | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program |
| *PSC-34-10-00005-P | exempt | Approval of a contract for \$250,000 in tank repairs that may be a financing | To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs |
| *PSC-34-10-00006-P | exempt | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program |
| *PSC-36-10-00010-P | exempt | Central Hudson's procedures, terms and conditions for an economic development plan | Consideration of Central Hudson's procedures, terms and conditions for an economic development plan |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-40-10-00014-P | exempt | Disposition of a state sales tax refund | To determine how much of a state sales tax refund should be retained by National Grid |
| *PSC-40-10-00021-P | exempt | Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall | To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall |
| *PSC-41-10-00018-P | exempt | Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter | Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers |
| *PSC-41-10-00022-P | exempt | Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY | Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY |
| *PSC-42-10-00011-P | exempt | Petition for the submetering of electricity | To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York |
| *PSC-43-10-00016-P | exempt | Utility Access to Ducts, Conduit Facilities and Utility Poles | To review the complaint from Optical Communications Group |
| *PSC-44-10-00003-P | exempt | Third and fourth stage gas rate increase by Corning Natural Gas Corporation | To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase |
| *PSC-51-10-00018-P | exempt | Commission proceeding concerning three-phase electric service by all major electric utilities | Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities |
| *PSC-11-11-00003-P | exempt | The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service | The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service |
| *PSC-13-11-00005-P | exempt | Exclude the minimum monthly bill component from the earnings test calculation | Exclude the minimum monthly bill component from the earnings test calculation |
| *PSC-14-11-00009-P | exempt | Petition for the submetering of electricity | To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York |
| *PSC-19-11-00007-P | exempt | Utility price reporting requirements related to the Commission's "Power to Choose" website | Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website |
| *PSC-20-11-00012-P | exempt | Petition for the submetering of electricity | To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York |
| *PSC-20-11-00013-P | exempt | Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges | To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable |
| *PSC-22-11-00004-P | exempt | Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications | To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter |
| *PSC-26-11-00007-P | exempt | Water rates and charges | To approve an increase in annual revenues by about \$25,266 or 50% |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-26-11-00009-P | exempt | Petition for the submetering of electricity at commercial property | To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York |
| *PSC-26-11-00012-P | exempt | Waiver of generation retirement notice requirements | Consideration of waiver of generation retirement notice requirements |
| *PSC-29-11-00011-P | exempt | Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order. | To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing. |
| *PSC-35-11-00011-P | exempt | Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8 | Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters |
| *PSC-36-11-00006-P | exempt | To consider expanding mobile stray voltage testing requirements | Adopt additional mobile stray voltage testing requirements |
| *PSC-38-11-00002-P | exempt | Operation and maintenance procedures pertaining to steam trap caps | Adopt modified steam operation and maintenance procedures |
| *PSC-38-11-00003-P | exempt | Waiver of certain provisions of the electric service tariffs of Con Edison | Consideration of waiver of certain provisions of the electric service tariffs of Con Edison |
| *PSC-40-11-00010-P | exempt | Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE) | Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE |
| *PSC-40-11-00012-P | exempt | Granting of transfer of plant in-service to a regulatory asset | To approve transfer and recovery of unamortized plant investment |
| *PSC-42-11-00018-P | exempt | Availability of telecommunications services in New York State at just and reasonable rates | Providing funding support to help ensure availability of affordable telecommunications service throughout New York |
| *PSC-43-11-00012-P | exempt | Transfer of outstanding shares of stock | Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC |
| *PSC-47-11-00007-P | exempt | Remedying miscalculations of delivered gas as between two customer classes | Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations |
| *PSC-48-11-00007-P | exempt | Transfer of controlling interests in generation facilities from Dynegy to PSEG | Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG |
| *PSC-48-11-00008-P | exempt | Petition for the submetering of electricity | To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York |
| *PSC-01-12-00007-P | exempt | The New York State Reliability Council's revisions to its rules and measurements | To adopt revisions to various rules and measurements of the New York State Reliability Council |
| *PSC-01-12-00008-P | exempt | Transfer of real property and easements from NMPNS to NMP3 | Consideration of the transfer of real property and easements from NMPNS to NMP3 |
| *PSC-01-12-00009-P | exempt | Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove | To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-11-12-00002-P | exempt | Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff | Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff |
| *PSC-11-12-00005-P | exempt | Transfer of land and water supply assets | Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman |
| *PSC-13-12-00005-P | exempt | Authorization to transfer certain real property | To decide whether to approve the transfer of certain real property |
| *PSC-19-12-00023-P | exempt | Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000 | To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc. |
| *PSC-21-12-00006-P | exempt | Tariff filing requirements and refunds | To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted |
| *PSC-21-12-00011-P | exempt | Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47 | Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47 |
| *PSC-23-12-00007-P | exempt | The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility | To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility |
| *PSC-23-12-00009-P | exempt | Over earnings sharing between rate payers and shareholders | To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan |
| *PSC-27-12-00012-P | exempt | Implementation of recommendations made in a Management Audit Report | To consider implementation of recommendations made in a Management Audit Report |
| *PSC-28-12-00013-P | exempt | Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism | Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics |
| *PSC-29-12-00019-P | exempt | Waiver of 16 NYCRR 894.1 through 894.4 | To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process. |
| *PSC-30-12-00010-P | exempt | Waiver of 16 NYCRR 894.1 through 894.4 | To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process |
| *PSC-33-12-00009-P | exempt | Telecommunications companies ability to attach to utility company poles | Consideration of Tech Valley's ability to attach to Central Hudson poles |
| *PSC-37-12-00009-P | exempt | Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers | Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers |
| *PSC-42-12-00009-P | exempt | Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements | To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements |
| *PSC-45-12-00008-P | exempt | Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff | Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-45-12-00010-P | exempt | Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District | Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District |
| *PSC-50-12-00003-P | exempt | Affiliate standards for Corning Natural Gas Corporation | To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing |
| *PSC-04-13-00006-P | exempt | Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW | To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW |
| *PSC-04-13-00007-P | exempt | Authorization to transfer certain real property. | To decide whether to approve the transfer of certain real property. |
| *PSC-06-13-00008-P | exempt | Verizon New York Inc.'s retail service quality | To investigate Verizon New York Inc.'s retail service quality |
| *PSC-08-13-00012-P | exempt | Filing requirements for certain Article VII electric facilities | To ensure that applications for certain electric transmission facilities contain pertinent information |
| *PSC-08-13-00014-P | exempt | Uniform System of Accounts - Request for Accounting Authorization | To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred |
| *PSC-12-13-00007-P | exempt | Protecting company water mains | To allow the company to require certain customers to make changes to the electrical grounding system at their homes |
| *PSC-13-13-00008-P | exempt | The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines. | To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted. |
| *PSC-18-13-00007-P | exempt | Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes | Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes |
| *PSC-21-13-00003-P | exempt | To consider policies that may impact consumer acceptance and use of electric vehicles | To consider and further develop policies that may impact consumer acceptance and use of electric vehicles |
| *PSC-21-13-00005-P | exempt | To implement an abandonment of Windover's water system | To approve the implementation of abandonment of Windover's water system |
| *PSC-21-13-00008-P | exempt | Rates of National Fuel Gas Distribution Corporation | To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive |
| *PSC-21-13-00009-P | exempt | Reporting requirements for natural gas local distribution companies | To help ensure efficient and economic expansion of the natural gas system as appropriate |
| *PSC-22-13-00009-P | exempt | On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers | On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers |
| *PSC-23-13-00005-P | exempt | Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations | Equalize regulatory treatment based on level of competition and practical considerations |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-25-13-00008-P | exempt | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request. | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request. |
| *PSC-25-13-00009-P | exempt | Provision by utilities of natural gas main and service lines. | To help ensure efficient and economic expansion of the natural gas system as appropriate. |
| *PSC-25-13-00012-P | exempt | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request. | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request. |
| *PSC-27-13-00014-P | exempt | Columbia Gas Transmission Corporation Cost Refund | For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund. |
| *PSC-28-13-00014-P | exempt | Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces | To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces |
| *PSC-28-13-00016-P | exempt | The request of NGT for lightened regulation as a gas corporation. | To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC. |
| *PSC-28-13-00017-P | exempt | The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments | Consider the request by TE for waiver of regulations that gas be odorized in certain lines |
| *PSC-32-13-00009-P | exempt | To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices | To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices |
| *PSC-32-13-00012-P | exempt | To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion | To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion |
| *PSC-33-13-00027-P | exempt | Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines. | Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines. |
| *PSC-33-13-00029-P | exempt | Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy. | To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy. |
| *PSC-34-13-00004-P | exempt | Escrow account and surcharge to fund extraordinary repairs | To approve the establishment of an escrow account and surcharge |
| *PSC-42-13-00013-P | exempt | Failure to Provide Escrow Information | The closure of the Escrow Account |
| *PSC-42-13-00015-P | exempt | Failure to Provide Escrow Information | The closure of the Escrow Account |
| *PSC-43-13-00015-P | exempt | Petition for submetering of electricity | To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y. |
| *PSC-45-13-00021-P | exempt | Investigation into effect of bifurcation of gas and electric utility service on Long Island. | To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island. |
| *PSC-45-13-00022-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4) | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-45-13-00023-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4). | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-45-13-00024-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines. | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-45-13-00025-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4). | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-47-13-00009-P | exempt | Petition for submetering of electricity. | To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y. |
| *PSC-47-13-00012-P | exempt | Conditioning, restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates. | Consideration of conditioning, restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates. |
| *PSC-49-13-00008-P | exempt | Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc. | To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc. |
| *PSC-51-13-00009-P | exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing. | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates. |
| *PSC-51-13-00010-P | exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing. | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates. |
| *PSC-51-13-00011-P | exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing. | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates. |
| *PSC-52-13-00012-P | exempt | The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC). | To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s). |
| *PSC-52-13-00015-P | exempt | To enter into a loan agreement with the banks for up to an amount of \$94,000. | To consider allowing Knolls Water Company to enter into a long-term loan agreement. |
| *PSC-05-14-00010-P | exempt | The New York State Reliability Council's revisions to its rules and measurements | To adopt revisions to various rules and measurements of the New York State Reliability Council |
| *PSC-07-14-00008-P | exempt | Petition for submetering of electricity | To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al. |
| *PSC-07-14-00012-P | exempt | Water rates and charges | Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project |
| *PSC-08-14-00015-P | exempt | Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities | To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities |
| *PSC-10-14-00006-P | exempt | Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance | To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-11-14-00003-P | exempt | Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces | To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces |
| *PSC-16-14-00014-P | exempt | Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties. | To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties. |
| *PSC-16-14-00015-P | exempt | Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336. | Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336 |
| *PSC-17-14-00003-P | exempt | Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism | Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism |
| *PSC-17-14-00004-P | exempt | To consider certain portions of petitions for rehearing, reconsideration and/or clarification | To consider certain portions of petitions for rehearing, reconsideration and/or clarification |
| *PSC-17-14-00007-P | exempt | To consider petitions for rehearing, reconsideration and/or clarification | To consider petitions for rehearing, reconsideration and/or clarification |
| *PSC-17-14-00008-P | exempt | To consider certain portions of petitions for rehearing, reconsideration and/or clarification | To consider certain portions of petitions for rehearing, reconsideration and/or clarification |
| *PSC-19-14-00014-P | exempt | Market Supply Charge | To make tariff revisions to the Market Supply Charge for capacity related costs |
| *PSC-19-14-00015-P | exempt | Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications | To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter |
| *PSC-22-14-00013-P | exempt | Petition to transfer and merge systems, franchises and assets. | To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets. |
| *PSC-23-14-00010-P | exempt | Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications | To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter |
| *PSC-23-14-00014-P | exempt | Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric | Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric |
| *PSC-24-14-00005-P | exempt | To examine LDC's performance and performance measures. | To improve gas safety performance. |
| *PSC-26-14-00013-P | exempt | Waiver of RG&E's tariffed definition of emergency generator. | To consider waiver of RG&E's tariffed definition of emergency generator. |
| *PSC-26-14-00020-P | exempt | New electric utility backup service tariffs and standards for interconnection may be adopted. | To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid. |
| *PSC-26-14-00021-P | exempt | Consumer protections, standards and protocols pertaining to access to customer data may be established. | To balance the need for the information necessary to support a robust market with customer privacy concerns. |
| *PSC-28-14-00014-P | exempt | Petition to transfer systems, franchises and assets. | To consider the Comcast and Charter transfer of systems, franchise and assets. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-30-14-00023-P | exempt | Whether to permit the use of the Sensus iPERL Fire Flow Meter. | Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter. |
| *PSC-30-14-00026-P | exempt | Petition for a waiver to master meter electricity. | Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY. |
| *PSC-31-14-00004-P | exempt | To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross | To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross |
| *PSC-32-14-00012-P | exempt | Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition | To consider the Connect New York Coalition's petition seeking a formal investigation and hearings |
| *PSC-35-14-00004-P | exempt | Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY | To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY |
| *PSC-35-14-00005-P | exempt | Whether to permit the use of the Sensus iConA electric meter | Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter |
| *PSC-36-14-00009-P | exempt | Modification to the Commission's Electric Safety Standards. | To consider revisions to the Commission's Electric Safety Standards. |
| *PSC-38-14-00003-P | exempt | Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program. | Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program. |
| *PSC-38-14-00004-P | exempt | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. |
| *PSC-38-14-00005-P | exempt | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2. | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2. |
| *PSC-38-14-00007-P | exempt | Whether to expand Con Edison's low income program to include Medicaid recipients. | Whether to expand Con Edison's low income program to include Medicaid recipients. |
| *PSC-38-14-00008-P | exempt | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn. |
| *PSC-38-14-00010-P | exempt | Inter-carrier telephone service quality standard and metrics and administrative changes. | To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines. |
| *PSC-38-14-00012-P | exempt | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2. | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2. |
| *PSC-39-14-00020-P | exempt | Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters | Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters |
| *PSC-40-14-00008-P | exempt | To consider granting authorization for Buy Energy Direct to resume marketing to residential customers. | To consider granting authorization for Buy Energy Direct to resume marketing to residential customers. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-40-14-00009-P | exempt | Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality. | Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1. |
| *PSC-40-14-00011-P | exempt | Late Payment Charge. | To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due. |
| *PSC-40-14-00013-P | exempt | Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY. | To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY. |
| *PSC-40-14-00014-P | exempt | Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2) | To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process. |
| *PSC-40-14-00015-P | exempt | Late Payment Charge. | To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due. |
| *PSC-42-14-00003-P | exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries | The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries |
| *PSC-42-14-00004-P | exempt | Winter Bundled Sales Service Option | To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge |
| *PSC-48-14-00014-P | exempt | Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line. | To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line. |
| *PSC-52-14-00019-P | exempt | Petition for a waiver to master meter electricity. | Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY.. |
| *PSC-01-15-00014-P | exempt | State Universal Service Fund Disbursements | To consider Edwards Telephone Company's request for State Universal Service Fund disbursements |
| *PSC-08-15-00010-P | exempt | Request pertaining to the lawfulness of National Grid USA continuing its summary billing program. | To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program. |
| *PSC-10-15-00007-P | exempt | Notification concerning tax refunds | To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds |
| *PSC-10-15-00008-P | exempt | Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes | Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes |
| *PSC-13-15-00024-P | exempt | Whether Leatherstocking should be permitted to recover a shortfall in earnings | To decide whether to approve Leatherstocking's request to recover a shortfall in earnings |
| *PSC-13-15-00026-P | exempt | Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product | To permit the use of the Sensus Smart Point Gas AMR/AMI product |
| *PSC-13-15-00027-P | exempt | Whether to permit the use of the Measurlogic DTS 310 electric submeter | To permit the use of the Measurlogic DTS 310 submeter |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-13-15-00028-P | exempt | Whether to permit the use of the SATEC EM920 electric meter | To permit necessary to permit the use of the SATEC EM920 electric meter |
| *PSC-13-15-00029-P | exempt | Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters | To permit the use of the Triacta submeters |
| *PSC-17-15-00007-P | exempt | To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million | To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million |
| *PSC-18-15-00005-P | exempt | Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism | Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism |
| *PSC-19-15-00011-P | exempt | Gas Safety Performance Measures and associated negative revenue adjustments | To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid |
| *PSC-22-15-00015-P | exempt | To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a) | To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a) |
| *PSC-23-15-00005-P | exempt | The modification of New York American Water's current rate plan | Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff |
| *PSC-23-15-00006-P | exempt | The modification of New York American Water's current rate plan | Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff |
| *PSC-25-15-00008-P | exempt | Notice of Intent to Submeter electricity. | To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York. |
| *PSC-29-15-00025-P | exempt | Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY | Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY |
| *PSC-32-15-00006-P | exempt | Development of a Community Solar Demonstration Project. | To approve the development of a Community Solar Demonstration Project. |
| *PSC-33-15-00009-P | exempt | Remote net metering of a demonstration community net metering program. | To consider approval of remote net metering of a demonstration community net metering program. |
| *PSC-33-15-00012-P | exempt | Remote net metering of a Community Solar Demonstration Project. | To consider approval of remote net metering of a Community Solar Demonstration Project. |
| *PSC-34-15-00021-P | exempt | Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs | To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs |
| *PSC-35-15-00014-P | exempt | Consideration of consequences against Light Power & Gas, LLC for violations of the UBP | To consider consequences against Light Power & Gas, LLC for violations of the UBP |
| *PSC-37-15-00007-P | exempt | Submetered electricity | To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007 |
| *PSC-40-15-00014-P | exempt | Whether to permit the use of the Open Way 3.5 with cellular communications | To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-42-15-00006-P | exempt | Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC. | Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements. |
| *PSC-44-15-00028-P | exempt | Deferral of incremental expenses associated with new compliance requirements | Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements |
| *PSC-47-15-00013-P | exempt | Whitepaper on Implementing Lightened Ratemaking Regulation. | Consider Whitepaper on Implementing Lightened Ratemaking Regulation. |
| *PSC-48-15-00011-P | exempt | Proposal to retire Huntley Units 67 and 68 on March 1, 2016. | Consider the proposed retirement of Huntley Units 67 and 68. |
| *PSC-50-15-00006-P | exempt | The reduction of rates. | To consider the reduction of rates charged by Independent Water Works, Inc. |
| *PSC-50-15-00009-P | exempt | Notice of Intent to submeter electricity. | To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York. |
| *PSC-51-15-00010-P | exempt | Modification of the EDP | To consider modifying the EDP |
| *PSC-01-16-00005-P | exempt | Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices | To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices |
| *PSC-04-16-00007-P | exempt | Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility. | Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility. |
| *PSC-04-16-00012-P | exempt | Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station. | Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station. |
| *PSC-04-16-00013-P | exempt | Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic. | Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic. |
| *PSC-06-16-00013-P | exempt | Continued deferral of approximately \$16,000,000 in site investigation and remediation costs. | To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs. |
| *PSC-06-16-00014-P | exempt | MEGA's proposed demonstration CCA program. | To consider MEGA's proposed demonstration CCA program. |
| *PSC-14-16-00008-P | exempt | Resetting retail markets for ESCO mass market customers. | To ensure consumer protections with respect to residential and small non-residential ESCO customers. |
| *PSC-18-16-00013-P | exempt | Amendments to the Uniform Business Practices of ESCOs. | To ensure consumer protection for ESCO customers. |
| *PSC-18-16-00014-P | exempt | Amendments to the Uniform Business Practices of ESCOs. | To ensure consumer protection for ESCO customers. |
| *PSC-18-16-00015-P | exempt | Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process. | To ensure consumer protections for ESCO customers. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-18-16-00016-P | exempt | Amendments to the Uniform Business Practices of ESCOs. | To ensure consumer protection for ESCO customers. |
| *PSC-18-16-00018-P | exempt | Amendments to the Uniform Business Practices of ESCOs. | To ensure consumer protection for ESCO customers. |
| *PSC-20-16-00008-P | exempt | Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP). | To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP). |
| *PSC-20-16-00010-P | exempt | Deferral and recovery of incremental expense. | To consider deferring costs of conducting leak survey and repairs for subsequent recovery. |
| *PSC-20-16-00011-P | exempt | Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study. | To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device. |
| *PSC-24-16-00009-P | exempt | Petition to submeter gas service. | To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY. |
| *PSC-25-16-00009-P | exempt | To delay Companies' third-party assessments of customer personally identifiable information until 2018. | To extend the time period between the Companies' third-party assessments of customer personally identifiable information. |
| *PSC-25-16-00025-P | exempt | Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel. | To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel. |
| *PSC-25-16-00026-P | exempt | Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications. | To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications. |
| *PSC-28-16-00017-P | exempt | A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework. | To determine appropriate rules for and calculation of the distributed generation reliability credit. |
| *PSC-29-16-00024-P | exempt | Participation of NYPA customers in surcharge-funded clean energy programs. | To consider participation of NYPA customers in surcharge-funded clean energy programs. |
| *PSC-32-16-00012-P | exempt | Benefit-Cost Analysis Handbooks. | To evaluate proposed methodologies of benefit-cost evaluation. |
| *PSC-33-16-00001-EP | exempt | Use of escrow funds for repairs. | To authorize the use of escrow account funds for repairs. |
| *PSC-33-16-00005-P | exempt | Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility. | Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges. |
| *PSC-35-16-00015-P | exempt | NYSRC's revisions to its rules and measurements | To consider revisions to various rules and measurements of the NYSRC |
| *PSC-36-16-00004-P | exempt | Recovery of costs for installation of electric service. | To consider the recovery of costs for installation of electric service. |
| *PSC-40-16-00025-P | exempt | Consequences pursuant to the Commission's Uniform Business Practices (UBP). | To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| *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-14-17-00017-P | exempt | Petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge. | To consider the petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge. |
| *PSC-18-17-00024-P | exempt | A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades | To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist. |
| *PSC-18-17-00026-P | exempt | Revisions to the Dynamic Load Management surcharge. | To consider revisions to the Dynamic Load Management surcharge. |
| *PSC-19-17-00004-P | exempt | NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016. | Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016. |
| *PSC-20-17-00008-P | exempt | Compressed natural gas as a motor fuel for diesel fueled vehicles. | To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel. |
| *PSC-20-17-00010-P | exempt | Compressed natural gas as a motor fuel for diesel fueled vehicles. | To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel. |
| *PSC-21-17-00013-P | exempt | The establishment and implementation of Earnings Adjustment Mechanisms. | To consider the establishment and implementation of Earnings Adjustment Mechanisms. |
| *PSC-21-17-00018-P | exempt | Proposed agreement for the provision of water service by Saratoga Water Services, Inc. | To consider a waiver and approval of terms of a service agreement. |
| *PSC-22-17-00004-P | exempt | Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives | To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms |
| *PSC-24-17-00006-P | exempt | Development of the Utility Energy Registry. | Improved data access. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *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-37-17-00006-P | exempt | Petition to submeter electricity. | To consider the petition of ACC OP (Park Point SU) LLC to submeter electricity at 417 Comstock Avenue, Syracuse, New York. |
| *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-40-17-00006-P | exempt | The aggregation of electric service for the Empire State Plaza and the Sheridan Avenue Steam Plant | To consider a waiver of National Grid's tariff provision requiring all electric delivery points to be on the same premises |
| *PSC-42-17-00010-P | exempt | Petition for rehearing of negative revenue adjustment and contents of annual Performance Report. | To consider NFGD's petition for rehearing. |
| *PSC-48-17-00015-P | exempt | Low Income customer options for affordable water bills. | To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs. |
| *PSC-50-17-00017-P | exempt | New Wave Energy Corp.'s petition for rehearing. | To consider the petition for rehearing filed by New Wave Energy Corp. |
| *PSC-50-17-00018-P | exempt | Application of the Public Service Law to DER suppliers. | To determine the appropriate regulatory framework for DER suppliers. |
| *PSC-50-17-00019-P | exempt | Transfer of utility property. | To consider the transfer of utility property. |
| *PSC-50-17-00021-P | exempt | Disposition of tax refunds and other related matters. | To consider the disposition of tax refunds and other related matters. |
| *PSC-50-17-00022-P | exempt | Data protection rules for DER suppliers. | To determine the appropriate regulatory framework for DER suppliers. |
| *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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-06-18-00017-P | exempt | Merger of NYAW and Whitlock Farms Water Corp. | To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity |
| *PSC-07-18-00015-P | exempt | The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades. | To consider AEC's petition requesting resolution of their billing dispute with National Grid. |
| *PSC-11-18-00004-P | exempt | New York State Lifeline Program. | To consider TracFone's petition seeking approval to participate in Lifeline. |
| *PSC-13-18-00015-P | exempt | Eligibility of an ESCO to market to and enroll residential customers. | To consider whether Astral should be allowed to market to and enroll residential customers following a suspension. |
| *PSC-13-18-00023-P | exempt | Reconciliation of property taxes. | To consider NYAW's request to reconcile property taxes. |
| *PSC-14-18-00006-P | exempt | Petition for abandonment | To consider the abandonment of Willsboro Bay Water Company's water system |
| *PSC-17-18-00010-P | exempt | Petition for use of gas metering equipment. | To ensure that consumer bills are based on accurate measurements of gas usage. |
| *PSC-18-18-00009-P | exempt | Transfer of control of Keene Valley Video Inc. | To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest |
| *PSC-23-18-00006-P | exempt | Whether to impose consequences on Aspurity for its non-compliance with Commission requirements. | To ensure the provision of safe and adequate energy service at just and reasonable rates. |
| *PSC-24-18-00013-P | exempt | Implementation of program rules for Renewable Energy Standard and ZEC requirements. | To promote and maintain renewable and zero-emission electric energy resources. |
| *PSC-28-18-00011-P | exempt | Storm Hardening Collaborative Report. | To ensure safe and adequate gas service. |
| *PSC-29-18-00008-P | exempt | Participation in Targeted Accessibility Fund | To encourage enhanced services for low-income consumers |
| *PSC-29-18-00009-P | exempt | Overvaluing real property tax expense recovery in water rates | To prevent unjust and unreasonable water rates |
| *PSC-34-18-00011-P | exempt | Compensation of distributed energy resources. | To ensure just and reasonable rates, including compensation, for distributed energy resources. |
| *PSC-34-18-00015-P | exempt | Petition to submeter electricity. | To ensure adequate submetering equipment and energy efficiency protections are in place. |
| *PSC-34-18-00016-P | exempt | Deferral of pre-staging and mobilization storm costs. | To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs. |
| *PSC-35-18-00003-P | exempt | Con Edison's 2018 DSIP and BCA Handbook Update. | To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider. |
| *PSC-35-18-00005-P | exempt | NYSEG and RG&E's 2018 DSIP and BCA Handbook Update. | To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| *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-45-18-00004-P | exempt | Proposed transfer of two natural gas pipeline operating companies, and for lightened and incidental regulation | To consider transfer if there is no market power or ratepayer harm, incidental regulation, and continuing lightened regulation |
| *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-01-19-00014-P | exempt | To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity. | To continue to provide safe and reliable service to existing customers. |
| PSC-01-19-00015-P | exempt | To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity. | To continue to provide safe and reliable service to existing customers. |
| PSC-01-19-00016-P | exempt | To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity. | To continue to provide safe and reliable service to existing customers. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|----------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-02-19-00014-P | exempt | Petition for use of electric metering equipment. | To ensure that consumer bills are based on accurate measurements of electric usage. |
| PSC-03-19-00002-P | exempt | DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings. | To reduce damage to underground utility facilities by requiring certain training and approving training curricula. |
| PSC-04-19-00004-P | exempt | Con Edison's petition for the Gas Innovation Program and associated budget. | To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals. |
| PSC-04-19-00011-P | exempt | Update of revenue targets. | To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues. |
| PSC-06-19-00005-P | exempt | Consideration of the Joint Utilities' proposed BDP Program. | To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects. |
| PSC-07-19-00009-P | exempt | Whether to impose consequences on AAA for its non-compliance with Commission requirements. | To insure the provision of safe and adequate energy service at just and reasonable rates. |
| PSC-07-19-00016-P | exempt | Participation in New York State Lifeline Program. | To encourage enhanced services for low-income customers. |
| PSC-09-19-00009-P | exempt | Amendments to the tariff of Con Edison pertaining to interruptible gas service customers. | To consider the appropriate tariff provisions for Con Edison interruptible gas service customers. |
| PSC-09-19-00010-P | exempt | Non-pipeline alternatives report recommendations. | To consider the terms and conditions applicable to gas service. |
| PSC-10-19-00006-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| 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-13-19-00012-P | exempt | Paperless billing credit. | To provide just and reasonable rates. |
| PSC-16-19-00005-P | exempt | Proposed major electric delivery revenue requirement increase of approximately \$485 million (or 4.6% in total revenues). | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| PSC-16-19-00007-P | exempt | Recommencement of the levelization surcharge, changes to the System Improvement Charge, and a one-year stay-out. | To address the issues in NYAW's petition dated February 25, 2019. |
| PSC-16-19-00008-P | exempt | Proposed major rate increase in Con Edison's gas delivery revenues of approximately \$210 million (or 9.1% in total revenues). | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| PSC-18-19-00010-P | 04/30/20 | Energy efficiency programs, budgets, and targets for investor-owned utilities. | To encourage the delivery and procurement of energy efficiency by investor-owned utilities. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|----------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-18-19-00011-P | exempt | Policies, budgets and targets for support of heat pump deployment by investor-owned utilities. | To encourage the support for heat pump deployment by investor-owned utilities. |
| PSC-18-19-00012-P | 04/30/20 | Policies, budgets and targets for support of energy efficiency programs for low- and moderate-income customers. | To encourage the support of energy efficiency programs for low- and moderate-income customers by investor-owned utilities. |
| PSC-18-19-00013-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-18-19-00015-P | exempt | Minor rate filing. | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| PSC-19-19-00013-P | exempt | Proposed merger of three water utilities into one corporation. | To determine if the proposed merger is in the public interest. |
| PSC-19-19-00014-P | exempt | Establishment of the regulatory regime applicable to an approximately 124 MW electric generating facility. | Consideration of a lightened regulatory regime for an approximately 124 MW electric generating facility. |
| PSC-19-19-00016-P | exempt | Establishment of the regulatory regime applicable to an approximately 242 MW electric generating facility. | Consideration of a lightened regulatory regime for an approximately 242 MW electric generating facility. |
| PSC-20-19-00008-P | exempt | Reporting on energy sources | To ensure accurate reporting and encourage clean energy purchases |
| PSC-20-19-00010-P | exempt | Compensation policies for certain CHP projects | To consider appropriate rules for compensation of certain CHP resources |
| PSC-20-19-00015-P | exempt | Establishment of the regulatory regime applicable to an approximately 105.8 MW electric generating facility | Consideration of a lightened regulatory regime for an approximately 105.8 MW electric generating facility |
| PSC-22-19-00013-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-23-19-00005-P | exempt | Proposed major rate increase in SWNY's annual base revenues of approximately \$31.5 million (or 19.8% in total revenues). | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| PSC-30-19-00007-P | exempt | Use of electric metering equipment. | To ensure that consumer bills are based on accurate measurements of electric usage. |
| PSC-30-19-00009-P | exempt | An Index REC procurement mechanism for Tier 1 REC procurements. | To provide a hedge against market volatility, and lower costs to both renewable generators and customers. |
| 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-31-19-00014-P | exempt | Consideration of NYAW's Interim Implementation Plan. | To ensure NYAW improves its service to ratepayers. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-31-19-00015-P | exempt | Proposed major rate increase in KEDNY's gas delivery revenues by \$236.8 million (13.6% increase in total revenues). | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| PSC-31-19-00016-P | exempt | Proposed major rate increase in KEDLI's gas delivery revenues of approximately \$49.4 million (or 4.1% in total revenues). | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| PSC-32-19-00008-P | exempt | Compensation of distributed energy resources | To ensure just and reasonable rates, including compensation, for distributed energy resources |
| PSC-32-19-00009-P | exempt | Petition to submeter electricity and waiver request | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place |
| PSC-32-19-00010-P | exempt | Notice of intent to submeter electricity | To ensure adequate submetering equipment and consumer protections are in place |
| PSC-32-19-00012-P | exempt | Standby Service Rates and Buyback Service Rates | To ensure just and reasonable rates, including compensation, for distributed energy resources |
| PSC-32-19-00013-P | exempt | Disposition of tax refunds received by New York American Water Company, Inc. | To determine the disposition of tax refunds and other related matters |
| PSC-33-19-00014-P | exempt | Electric metering equipment. | To ensure that consumer bills are based on accurate measurements of electric usage. |
| 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-34-19-00017-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-34-19-00018-P | exempt | Major electric rate filing. | To consider a proposed increase in NYSEG's electric delivery revenues of approximately \$156.7 million (10.4% in total revenues). |
| PSC-34-19-00020-P | exempt | Major gas rate filing. | To consider a proposed increase in NYSEG's gas delivery revenues of approximately \$6.3 million (or 1.4% in total revenues). |
| PSC-36-19-00009-P | exempt | Minor rate filing to increase annual electric revenues. | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| PSC-36-19-00010-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-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-37-19-00004-P | exempt | Proposed transfer of Hopewell's assets to the Town and dissolution of the company. | To determine if transfer of the water system to the Town of East Fishkill is in the public interest. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-38-19-00002-P | exempt | Petition to submeter electricity | To ensure adequate submetering equipment and consumer protections are in place |
| PSC-39-19-00013-P | exempt | Proposed revisions to Consolidated Edison's Commercial Demand Response Programs. | To consider appropriate rules regarding Commercial Demand Response Programs. |
| PSC-39-19-00014-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 the period ending August 31, 2019. |
| PSC-39-19-00017-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-39-19-00018-P | exempt | Petition to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-39-19-00019-P | exempt | Petition for the use of gas metering equipment. | To ensure that consumer bills are based on accurate measurements of gas usage. |
| PSC-39-19-00020-P | exempt | Initial Tariff Schedule, P.S.C. No. 1 - Water. | To ensure safe and adequate service at just and reasonable rates charged to customers without preferences. |
| PSC-40-19-00006-P | exempt | Net energy metering and VDER crediting for eligible New York Power Authority customers. | To ensure safe and adequate service at just and reasonable rates charged to customers without preferences. |
| PSC-40-19-00007-P | exempt | The sharing of ratepayer consumption data. | To allow for consumption based sewer billing and protect ratepayers' consumption data. |
| 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-41-19-00005-P | exempt | Tariff modifications to correct the calculation for the VDER Value Stack DRV. | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| PSC-42-19-00006-P | exempt | Waiver of the prohibition on service to low-income customers by ESCOs. | To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs. |
| PSC-42-19-00007-P | exempt | Waiver of the prohibition on service to low-income customers by ESCOs. | To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs. |
| PSC-43-19-00014-P | exempt | Petition for the use of electric metering equipment. | To ensure that consumer bills are based on accurate measurements of electric usage. |
| PSC-43-19-00015-P | exempt | Modifications to the Gas Cost Factor and Daily Delivery Service Programs. | To consider a rehearing petition filed by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc. |
| PSC-43-19-00016-P | exempt | Proposed rate filing to increase its semi-annual flat rate. | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| 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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-44-19-00004-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-44-19-00005-P | exempt | Proposed revisions to Standby Service Rates and Buyback Service Rates. | To ensure just and reasonable rates, including compensation, for distributed energy resources. |
| PSC-44-19-00006-P | exempt | Proposed revisions to Standby Service Rates and Buyback Service Rates. | To ensure just and reasonable rates, including compensation, for distributed energy resources. |
| PSC-44-19-00007-P | exempt | Proposed revisions to Standby Service Rates and Buyback Service Rates. | To ensure just and reasonable rates, including compensation, for distributed energy resources. |
| PSC-44-19-00008-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-44-19-00009-P | exempt | Proposed revisions to Standby Service Rates and Buyback Service Rates. | To ensure just and reasonable rates, including compensation, for distributed energy resources. |
| PSC-45-19-00011-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-45-19-00012-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-45-19-00013-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-46-19-00007-P | exempt | PSC regulation 16 NYCRR 86.3(a)(1), (a)(2) and 88.4(a)(4). | To consider a waiver of certain regulations relating to the content of an application for transmission line siting. |
| PSC-46-19-00008-P | exempt | Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York. | To promote and maintain renewable electric energy resources. |
| PSC-46-19-00009-P | exempt | Proposed transfer of certain company property to the Incorporated Village of Sea Cliff. | To determine if the transfer of certain Company property to the Incorporated Village of Sea Cliff is in the public interest. |
| PSC-46-19-00010-P | exempt | To test innovative rate designs on an opt-out basis. | To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals |
| PSC-47-19-00011-P | exempt | Waiver of National Grid's code of conduct to allow for use of its name. | To determine if it is in the public interest to allow for the use of National Grid's name in the weatherization program. |
| PSC-47-19-00012-P | exempt | Transfer of street lighting facilities to the Village of Cayuga Heights. | To consider whether the transfer of street lighting facilities to the Village of Cayuga Heights is in the public interest. |
| PSC-47-19-00013-P | exempt | Compensation of distributed energy resources. | To ensure just and reasonable rates, including compensation, for distributed energy resources. |
| PSC-47-19-00014-P | exempt | Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest. | To consider whether a tariff waiver and the proposed terms of a service agreement are in the public interest. |
| PSC-47-19-00015-P | exempt | Customer Consent to Contact. | To include a new provision establishing customer consent for the utility to contact them electronically about utility service. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-47-19-00016-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-48-19-00004-P | exempt | Recommendation of the levelization surcharge, changes to the System Improvement Charge, including AMI and a one-year stay-out. | To address the issues in the November 6, 2019 petition filed by NYAW. |
| PSC-48-19-00005-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-48-19-00006-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-48-19-00007-P | exempt | Extension of the State Universal Service Fund. | To continue to provide universal service at a reasonable rate in certain service territories. |
| PSC-49-19-00004-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. |
| PSC-49-19-00005-P | exempt | Sale of Street Lighting Facilities to the Town of Farmington. | To consider the transfer of street lighting facilities to the Town of Farmington. |
| PSC-49-19-00006-P | exempt | Waiver of the prohibition on service to low-income customers by ESCOs. | To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs. |
| PSC-50-19-00004-P | exempt | Petition to submeter electricity and waiver of energy audit. | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place. |
| PSC-50-19-00005-P | exempt | Modifications and clarifications to the DCFC Per-Plug Incentive Program. | To clarify certain elements of the DCFC Per-Plug Incentive Program and consider modifications to the Program. |
| PSC-50-19-00006-P | exempt | Compensation of and incentives for distributed energy resources. | To encourage the development of and ensure just and reasonable rates for distributed energy resources. |
| PSC-50-19-00007-P | exempt | Participation of customers served under P.S.C. No. 12 (PASNY) in CDG projects receiving Value Stack compensation. | To encourage the development of and ensure just and reasonable rates for distributed energy resources. |
| PSC-52-19-00001-P | exempt | SUEZ Water New York Inc.'s acquisition of 100% of Heritage Hills Water Works Corporation's assets. | To determine if the proposed acquisition is in the public interest. |
| PSC-52-19-00002-P | exempt | The New York State Reliability Council's establishment of an Installed Reserve Margin of 18.9% | To ensure adequate levels of Installed Capacity. |
| 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-52-19-00004-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-52-19-00005-P | exempt | Compensation of and rates for distributed energy resources. | To encourage the development of and ensure just and reasonable rates for distributed energy resources. |

Action Pending Index

NYS Register/January 8, 2020

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|-------------------------------------|----------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-52-19-00006-P | exempt | Authorization to defer pension settlement losses. | To address the ratemaking related to the pension settlement losses. |
| PSC-53-19-00003-P | 12/30/20 | Technical Amendments of State regulations and Administrative Corrections | To make the provision of natural gas service safer in New York State |
| PSC-53-19-00004-P | 12/30/20 | Technical Amendments of State regulations and Administrative Corrections | To make the provision of natural gas service safer in New York State. |
| PSC-53-19-00006-P | exempt | To amend the terms to which the customer must abide when discontinuing gas service. | To ensure safe and adequate service at just and reasonable rates charged to customers without preferences. |
| PSC-53-19-00007-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-53-19-00008-P | exempt | Extension of time for issuance of securities and other forms of indebtedness. | To consider an additional twelve months for the issuance of securities and other forms of indebtedness. |
| PSC-53-19-00009-P | exempt | Transfer of street lighting facilities. | To consider whether the transfer of certain street lighting facilities is in the public interest. |
| PSC-53-19-00010-P | exempt | To clarify the term "customer" under Rule 28 - Special Services Performed by Company for Customer at a Charge. | To ensure safe and adequate service at just and reasonable rates charged to customers without preferences. |
| STATE, DEPARTMENT OF | | | |
| DOS-27-19-00014-P | 09/04/20 | New York State Uniform Fire Prevention and Building Code (the Uniform Code) | To repeal the existing Uniform Code and adopt a new Uniform Code and to make conforming changes to 19 NYCRR Parts 1264 and 1265. |
| DOS-27-19-00015-P | 09/04/20 | The State Energy Conservation Construction Code (the "Energy Code"). | To repeal the existing Energy Code and to adopt a new, updated Energy Code. |
| DOS-42-19-00001-P | 10/15/20 | Real estate advertisements | To update current regulations concerning real estate advertisements |
| STATE UNIVERSITY OF NEW YORK | | | |
| SUN-50-19-00001-EP | 12/10/20 | Tuition, Fees and Charges | To authorize the waiver of admission application fees for military veterans and their spouses |
| 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-01-20-00001-P | 01/07/21 | Limitations on operating costs for purposes of State financial assistance. | To determine how state appropriated reimbursement for rental costs for physical space will be distributed to community colleges. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------------|---|--|
| TAXATION AND FINANCE, DEPARTMENT OF | | | |
| TAF-47-19-00010-P | exempt | Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith. | To set the sales tax component and the composite rate per gallon for the period January 1, 2020 through March 31, 2020. |
| TAF-50-19-00003-EP | 12/10/20 | Metropolitan Transportation Business Tax Surcharge | To provide metropolitan transportation business tax rate for tax year 2020 |
| TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF | | | |
| TDA-14-19-00007-P | 04/02/20 | Abandonment of requests for fair hearings | To require the issuance of letters to appellants who fail to appear at scheduled fair hearings involving Medical Assistance, also known as Medicaid, advising them how to request the rescheduling of such fair hearings |
| TDA-46-19-00006-P | 11/12/20 | Limits on executive compensation | To remove requirements related to private funding from the \$199, 000 per annum limit on executive compensation and to make corresponding technical updates |
| TDA-49-19-00003-P | 12/03/20 | Annual service fee on persons receiving child support services and minimum annual collection requirement to impose such fee | To amend the existing State regulatory provisions regarding the annual service fee imposed on persons who receive child support services |
| 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. |
| VICTIM SERVICES, OFFICE OF | | | |
| OVS-24-19-00001-ERP | 06/11/20 | Conduct contributing related to burial awards | Adopt rules necessary as the result of chapter 494 of the Laws of 2018, when considering the victim's own conduct |
| WORKERS' COMPENSATION BOARD | | | |
| WCB-31-19-00018-P | 07/30/20 | Medical Treatment Guidelines | Add guidelines for treatment of hip and groin, foot and ankle, elbow and occupational interstitial lung disease |
| WCB-32-19-00001-P | 08/06/20 | Updating the prescription drug formulary | To add drugs to the prescription drug formulary in response to continuous feedback |
| WCB-37-19-00002-P | 09/10/20 | Applications for Reopenings | Clarify the process for reopening a case that has been previously closed |
| WCB-45-19-00010-P | 11/05/20 | Resolution of medical billing disputes | Incorporate the 2019 changes to WCL 13-g into existing regulations. |
| WCB-47-19-00004-EP | 11/19/20 | Updating the prescription drug formulary | To update formulary and add special consideration guidance for drugs not included in the MTGs |

REGULATORY AGENDA

Education Department

Pursuant to section 202-d of the State Administrative Procedure Act, the State Education Department presents its regulatory agenda for calendar year 2020. All section and part references are to Title 8 of the New York Code of Rules and Regulations. The State Education Department reserves the right to add, delete or modify, without further notice, except as required by the State Administrative Procedure Act, any item or information presented herein as relating to the 2020 Regulatory Agenda.

OFFICE OF P-12 EDUCATION

Amendment of section 100.1(a) of the Commissioner's Regulations relating to the definition of a unit of study. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.1(b) of the Commissioner's Regulations relating to the definition of a unit of credit. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.2(i) of the Commissioner's Regulations to allow the reporting of complaints about the use of corporal punishment by BOCES, district or charter school personnel to be done once a year. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Section 100.2(kk) of the Commissioner's Regulations relating to dignity act reporting requirements and collecting data regarding the number of school threats each year. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment to section 100.2(y)(3) to require that school districts, when notifying parents that students are not residents of the district, must, wherever practicable, specify which district they may be entitled to enroll in. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment to Section 100.5(b) to allow districts to develop and implement Arts and Health coursework and curriculum without the approval of the State Education Department. A regulatory flexibility analysis for local government and a rural flexibility analysis may be required.

Amendment of section 100.3 of the Commissioner's Regulations relating to the PreK-4 Program requirements to reflect the adoption of the Learning Standards. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.4 of the Commissioner's Regulations relating to program requirements in grades 5-6 to reflect the adoption of the Learning Standards. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendments to section 100.2(l) of the Commissioner's Regulations relating to School conduct and discipline to address the topics of progressive discipline, restorative practices, and equity in school discipline. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.7 of the Commissioner's Regulations

relating to the State High School Equivalency Program to increase the age of eligibility and minimum number of hours required by the program. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.4(d) of the Commissioner's Regulations relating to grade eight acceleration for diploma credit. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.5(a), (b) and (c) of the Commissioner's Regulations relating to graduation and diploma requirements. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment to section 100.10(h) of the Commissioner's Regulations to expand and/or modify the list of annual assessments to be utilized by home instructed students. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Addition of section 100.22 of the Commissioner's Regulations relating to students in foster care. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 117 of the Commissioner's Regulations relating to diagnostic screening for students who are new entrants, or who have low test scores in reading or mathematics. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 119.1 of the Commissioner's Regulations relating to financing of charter schools to correct a citation and address statutory changes. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 119.3 of the Commissioner's Regulations relating to charter school report cards to correct a citation and address statutory changes. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 119.4 of the Commissioner's Regulations relating to the location and timelines for charter school hearings. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 119.5 of the Commissioner's Regulations relating to charter school preferences. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Addition of a new Part 121 of the Regulations of the Commissioner of Education relating to the requirements for a basic educational data system code for nonpublic school sites. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 125 of the Commissioner's Regulations relating to the requirements for the voluntary registration of nonpublic nursery schools and kindergartens. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 144.11 of the Commissioner's Regulations to eliminate the requirement that school districts have an Early Grade Class Size Reduction Plan. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Subpart 151-1 of the Commissioner's Regulations to consolidate and update the provisions governing the Universal Pre-kindergarten Program, consistent with statutory amendments and program implementation. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 155.12 of the Regulations of the Commissioner of Education relating to lease approval and building aid for leased school buildings and facilities by school districts. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 155.22(a)(3)(i)(d)(1) through (4) of the Regulations of the Commissioner of Education relating to Qualified Zone Academy Bonds ranking of eligible districts and allocation of funds. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 155.23 of the Regulations of the Commissioner of Education relating to multi-year cost allowance. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of sections 200.1(x), 200.5(j) and 200.16(h) of the Commissioner's Regulations relating to the impartial due process hearing procedures, including the provisions relating to prehearing conferences and impartial hearing officer qualifications and impartiality, and as may be necessary to conform to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.2 of the Regulations of the Commissioner of Education relating to least restrictive environment placements of students with disabilities. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of 200.5(l) of the Regulations of the Commissioner of Education relating to appeals of State complaint findings. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of sections 200.7(b) and 200.13 of the Commissioner's Regulations relating to length of school day. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Section 200.9 of the Commissioner's Regulations relating to tuition rates for approved special class integrated setting programs. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.16(i) of the Commissioner's Regulations relating to preschool continuum of services and preschool inclusion in early childhood programs. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.21(b) of the Commissioner's Regulations relating to procedures for the suspension or revocation of impartial hearing officer certification. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 3.16(c)(1) of the Rules of the Board of Regents to update delegation of authority with respect to the approval of changes to certain charter school revisions. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 3.17(a)(3) of the Rules of the Board of Regents to update the revocation proceeding and to allow the Board of Regents to appoint a representative to hear oral arguments on behalf of the Board of Regents and to make a determination in regard to such oral argument. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 3.17(a)(3) of the Rules of the Board of Regents to update the revocation proceeding to revoke the certificate of incorporation after the assets of the education corporations have been discharged. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be

submitted, concerning any of the above proposed amendments by contacting:

John D'Agati

Senior Deputy Commissioner for Education Policy

New York State Education Department

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Albany, New York 12234

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OFFICE OF HIGHER EDUCATION

Amendment of section 50.1 of the Commissioner's Regulations to include a definition of a remedial course and a compensatory course as needed under sections 6451 and 6452 of the Education Law. A rural area flexibility analysis and regulatory flexibility analysis may be required.

Amendment of Parts 50 and 52 of the Commissioner's Regulations concerning registration of undergraduate and graduate postsecondary curricula. A rural area flexibility analysis and regulatory flexibility analysis may be required.

Amendment of Parts 52 and 80 of the Commissioner's Regulations to require all prospective teachers to complete coursework on English Language Learner instructional needs, co-teaching strategies, and integrating language and content instruction for English Language Learners. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 53 of the Commissioner's Regulations concerning information for students and prospective students. A rural area flexibility analysis and regulatory flexibility analysis may be required.

Amendment of section 50.1(l) of the Commissioner's Regulations to revise the definition of "university." A rural area flexibility analysis and regulatory flexibility analysis may be required.

Amendment of Part 4 of the Rules of the Board of Regents concerning voluntary institutional accreditation for Title IV purposes, to align with federal requirements. A rural area flexibility analysis and regulatory flexibility analysis may be required.

Amendment of section 3.12(e) of the Rules of the Board of Regents concerning the composition of the institutional accreditation appeals board. A rural area flexibility analysis and regulatory flexibility analysis may be required.

Amendment of section 3.56 of the Rules of the Board of Regents concerning consent of the Board of Regents to operation in New York by institutions of higher education operating outside of New York to revise the definition of program, to clarify the terms concerning approval of additional programs, and to clarify the terms concerning the submission of new applications. A rural area flexibility analysis and regulatory flexibility analysis may be required.

Amendment of section 49-2 of the Commissioner's Regulations concerning approval of out-of-state post-secondary institutions to offer distance education to New York State residents to revise provisions concerning financial responsibility index score, waiver of eligibility requirements, and the timeframe by which an institution that has been disapproved, may reapply to the department. A rural area flexibility analysis and regulatory flexibility analysis may be required.

Amendment of section 52.2(f) of the Commissioner's Regulations specifying the academic content of a transcript prepared by an Institution of Higher Education. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment to sections 52.21 and 80.37 of the Commissioner's Regulations relating to student teaching. A technical amendment must be made so that all options for obtaining an initial certificate for CTE through individual evaluation are treated equally.

Amendment of sections 52.21 and 80-3.7 of the Commissioner's Regulations relating to the content core requirement for the Computer Science certificate in teacher preparation programs and the individual evaluation pathway to certification. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 80-5.5 of the Commissioner's Regulations relating to the employment of retired employees and eligibility for section 211 waivers. A regulatory flexibility analysis and a rural flexibility analysis may be required.

Amendment of Part 135 of the Commissioner's Regulations to clarify the due process procedures relative to coaching licenses. A regulatory flexibility analysis and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations section 145-2.1(a)(iii) to provide a definition of a remedial course(s). A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations section 145-2.2 to provide a definition of the term "the recognized equivalent of such certificate" as found in Education Law section 661(4)(f) for the purposes of determining eligibility for the NYS Tuition Assistance Program. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations section 145-2.15(b)(3) to clarify and establish jurisdiction over a student at the time of the completion of secondary education. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations section 145-2.15(b)(2) to clarify the federally approved ability to benefit test administration for the purposes of the NYS Tuition Assistance Program. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations section 152-1.2 to insert language concerning remedial, developmental, and compensatory courses. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations Section 152-1.1 to amend applications to clarify that each application shall include the provision of a summer program that shall occur at the beginning of the program year and to update obsolete processes and language. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of the Commissioner's Regulations Section 152-3.3 to amend the eligibility criteria that each application prepared by a foster youth may include to conform to the new DREAM Act eligibility criteria. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of the Commissioner's Regulations Section 153-3.4 to amend funding to clarify how the foster youth college success initiative funding awarded can be used. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Commissioner's Regulations Part 50 and Part 54 to amend the definitions and procedures related to off-campus instruction and locations. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

Allison Armour-Garb
Senior Policy Advisor
New York State Education Department
Office of Higher Education
Room 975, Education Building Annex
89 Washington Avenue
Albany, New York 12234
(518) 474-1385

OHREGComments@nysed.gov

OFFICE OF THE PROFESSIONS

Amendment of Part 29 of the Regents Rules relating to definitions of unprofessional conduct in the public accountancy and certified pub-

lic accountancy professions. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 70 of the Commissioner's Regulations relating to the definitions of public accountancy and the certified public accountancy professions and the examination for licensure and continuing education requirements in the profession of public accountancy. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of section 60.13 of the Commissioner's Regulations relating to implementing statutory provisions that permit team physicians who are licensed in another state or territory to provide medical services to athletes and team personnel at team sporting events in New York State, provided such services are provided only to those athletes and team personnel.

Amendment of Part 61 of the Commissioner's Regulations relating to adding dental anesthesiology as one of the recognized dental specialties for the residency program requirement for licensure as a dentist because it has recently been recognized as such by the American Dental Association. A regulatory flexibility analysis for small businesses and a rural area flexibility analysis may be required.

Amendment of Part 64 of the Commissioner's Regulations relating to implementing statutory provisions that permit a registered professional nurse to execute a standing order for newborn care in a hospital established under Public Health Law § 2803-v, as provided in that section.

Amendment of Part 72 of the Commissioner's Regulations relating to implementing statutory continuing education requirement for psychologists.

Amendment of Parts 72 (psychology) and 74 (social work) and Subparts 79-9 (mental health counseling), 79-10 (marriage and family therapy), 79-11 (creative arts therapy) and 79-12 (psychoanalysis) of the Commissioner's Regulations relating to implementing statutory provisions that clarifies, among other things, that a program or service that is operated, regulated, funded or approved by certain State or local government agencies does not require an Education Law § 6503-a waiver to employ professionals and offer licensed professional services and that such settings are acceptable sites for applicants to complete supervised experience for licensure as a psychologist, licensed clinical social worker or mental health practitioner, as long as the experience is completed in accordance with other provisions defining acceptable experience and limited permits.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

Douglas E. Lentivech
Deputy Commissioner for the Professions
New York State Education Department
Office of the Professions
89 Washington Avenue
West Wing, Second Floor - Education Building
Albany, NY 12234
(518) 486-1765
opdepcom@nysed.gov

OFFICE OF CULTURAL EDUCATION

Amendment of Part 90 of the Commissioner's Regulations, relating to the library and library system programs and services. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning the above proposed amendment by contacting:

Lauren Moore
Assistant Commissioner for Libraries and State Librarian
New York State Education Department
New York State Library

Room 10C34
Albany, NY 12230
(518) 474-5930

Lauren.Moore@nysed.gov

Amendment of Part 188 of the Commissioner's Regulations related to state government archives and records management to update the agency fee list to match the current organizational structure of executive branch agencies. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 188 of the Commissioner's Regulations related to state government archives and records management to update the annual fees for storage of records in a records center facility. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 185.11 of the Regulations of the Commissioner of Education relating retention and disposition of local government records. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 185.12 of the Regulations of the Commissioner of Education relating retention and disposition of local government records. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 185.13 of the Regulations of the Commissioner of Education relating retention and disposition of local government records. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 185.14 of the Regulations of the Commissioner of Education relating retention and disposition of local government records. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

Tom Ruller
Assistant Commissioner for the State Archives
New York State Education Department
Room 9B52 Cultural Education Center
Albany, New York 12230
(518) 474-6926
recmgmt@nysed.gov

OFFICE OF ADULT CAREER AND CONTINUING EDUCATION SERVICES (ACCES)

Amendment of section 126.4(e)(2)(i) of the Commissioner's Regulations relating to standards and methods of instruction to revise the language to say: except as provided in subparagraph (iii) of this paragraph, and notwithstanding any other provisions of law, any student who is absent more than 15 percent of the total number of instructional hours offered during each marking period of the student's program, excluding approved leaves of absence pursuant to paragraph (6) of this subdivision, or who has not maintained satisfactory academic progress, shall be dismissed or placed on academic probation in accordance with subparagraph (iii) of this paragraph. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning the modification or continuation of any of the above rules by contacting:

Kevin Smith
Deputy Commissioner
Office of Adult Career and Continuing Education Services
Room 575 EBA
89 Washington Avenue
Albany, New York 12234
(518) 474-2714

ACCESDeputy@nysed.gov
OFFICE OF MANAGEMENT SERVICES

Amendment of Parts 275 and 276 of the Commissioner's Regulations relating to appeals to the Commissioner. A regulatory flexibility analysis and/or a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

Julia Patane
Assistant Counsel
Office of Counsel State Education Building Room 112
89 Washington Ave., Albany, NY 12234
(518) 474-6400
legal@nysed.gov

Department of Environmental Conservation

Introduction

Each year, pursuant to SAPA, the Department publishes a Regulatory Agenda in the State Register and on its website. This is a listing of the regulations that may be proposed for adoption or amendment within that calendar year.

Division of Air Resources

6 NYCRR Part 200, General Provisions. Amendments to Section 200.1 will be amended to update the definition for volatile organic compound and the associated list of compounds that are not volatile organic compounds. This rulemaking would require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Carlos Mancilla, NYS Department of Environmental Conservation, 625 Broadway, Albany, New York, 12233-3251. Telephone 518-402-8396. Email: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 200, General Provisions. Amendments to Section 200.10 will be amended to incorporate by reference EPA's Outer Continental Shelf Air Regulations, 40 Code of Federal Regulations Part 55. This rulemaking would require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Steve Yarrington, NYS Department of Environmental Conservation, 625 Broadway, Albany, New York, 12233-3254. Telephone 518-402-8403. Email: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 200, General Provisions. Amendments to Section 200.10 will be amended to update the list of federal air regulations for which the Department has incorporated by reference. This rulemaking would require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Steve Yarrington, NYS Department of Environmental Conservation, 625 Broadway, Albany, New York, 12233-3254. Telephone 518-402-8403. Email: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 201 Permits and Registrations, Part 201 will be amended to make certain minor wording changes, correct typographical errors, and other minor corrections to ensure consistent implementation across regions. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Mark Lanzafame, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-3255. Telephone: 518-402-8403. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Subpart 202-2, Emission Statements. Existing Subpart 202-2 will be amended to require the phase in of electronic submission of annual Emission Statements beginning in 2021 (for calendar year 2020 emissions reporting) for facilities subject to Title V of the Clean Air Act. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Carlos Mancilla, New York State Department of Environmental Conservation, 625 Broadway, Albany,

NY 12233-3251. Telephone: 518-402-8396. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 203, Oil and Gas Sector Emissions. This is a new regulation to reduce volatile organic compound (VOC) and methane emissions from the oil and gas sector. This regulation is part of the State's Methane Reduction Plan and will also address and expand upon EPA's control technique guideline for VOC emissions from this sector. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Ona Papageorgiou, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 206, State Aid for General Air Pollution Control Work, New York City is obsolete and will be repealed. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Amanda Chudow, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 212, Process Operations. This proposal will repeal Subpart 212-4, "Control of Nitrogen Oxides (NOX)" for "Hot Mix Asphalt Production Plants" and create a new regulation to specifically address the emissions of particulate, carbon monoxide, sulfur dioxide, NOx and High Toxicity Air Contaminants (HTAC) such as formaldehyde, benzene and polycyclic aromatic hydrocarbons. The proposed regulation will enact stricter requirements for new sources built after the applicability date while addressing the existing facilities with requirements that are easily implemented, from Region to Region. Also, Subpart 212-1, General Provisions, will be revised to allow for a second compliance option when a source owner is required to demonstrate compliance with a federal NESHAP (National Emissions Standard for Hazardous Air Pollutants) regulation which controls the emissions of HTAC. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis and a Job Impact Analysis. Contact: Steven DeSantis, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8402. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 220: Revisions to Subpart 220-1, Portland Cement Plants, will include minor changes to better align with federal regulations and reduce monitoring costs. Subpart 220-3, Hot Mix Asphalt Plants, will be a new regulation, replacing Subpart 212-4, to reduce criteria and non-criteria pollutants from asphalt plants. Subpart 220-3 is intended to streamline compliance for this source category while requiring best available control technologies. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Mike Miliani, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3254. Telephone: 518-402-8403. E-mail: air.regs@dec.ny.gov. Please include the Part number when e-mailing.

6 NYCRR Subpart 225-1, Fuel Composition and Use - Sulfur Limitations. Amendments to this regulation entail the inclusion of process sources and incinerators as applicable stationary emission sources in New York State. These revisions will also include the lowering of the sulfur-in-fuel limit for waste oil and the correction of typographical errors. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Mike Jennings, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-3255. Telephone: 518-402-8403. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Subpart 228-3, Motor Vehicle and Mobile Equipment Repair and Refinishing (MVMERR). MVMERR requirements will be moved from existing Subpart 228-1, Surface Coating Facilities, into new Subpart 228-3. The volatile organic compound limits for MVMERR categories will be reduced as a result of this rulemaking.

This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Marie Barnes, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 230, Gasoline Dispensing Sites and Transport Vehicles. The existing rule will be amended to update and clarify testing requirements for gasoline dispensing sites (gas stations) and to conform more closely with new federal requirements and guidance. The proposed changes will also require prior notification to the Department for any mandated testing; as well as new vapor leak detection equipment; and removal of Stage II requirements. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Denise Prunier, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-3255. Telephone: 518-408-5574. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 231, New Source Review. The existing rule will be amended to conform to changes under the federal New Source Review (NSR) rule and the Supreme Court rulings. In particular, the Part 231 revisions will include changes to NSR applicability based on emissions of greenhouse gases (GHGs) and requirements for particulate matter or particles with an aerodynamic diameter less than or equal to 2.5 micrometers (PM-2.5). The definitions section in 6 NYCRR Part 200, General Provisions will also be revised to conform to the federal rule. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Steven Yarrington, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-3254. Telephone: 518-402-8403. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 235, Consumer Products. The existing regulation will be amended to implement additional Volatile Organic Compound (VOC) product content limits. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Kenneth Newkirk, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 242, CO2 Budget Trading Program. The regulation will be amended, as necessary and appropriate, to be consistent with the Regional Greenhouse Gas Initiative 2016 Program Review. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Laura Stevens, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 247, Outdoor Wood Boilers. The existing regulation will be amended to conform to the emission standards and certification requirements of the federal NSPS rule for residential wood combustion devices. As a result, new Part 247 will encompass a wider range of appliances compared to the existing rule. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Kenneth Newkirk, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 248, Use of Ultra Low Sulfur Diesel and Best Available Retrofit Technology for Heavy Duty Vehicles. The existing regulation will be amended to make it consistent with the amendments to the ECL section 19-0323 compliance dates, update the definition of heavy duty vehicle to incorporate changes made to the New York State Vehicle and Traffic Law that add additional exceptions, revises Section 248-3.1(d) and (e) to add "on behalf of", and clarifies the annual reporting period. This rule making will require a Regulatory Flex-

ibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: James Bologna, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3255. Telephone: 518-402-8292. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 250, Miscellaneous Orders is obsolete and will be repealed. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Amanda Chudow, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 252, "Greenhouse Gas Limits and Reporting." This rulemaking will satisfy the requirements of setting greenhouse gas emission limits as described in the Climate Leadership and Community Protection Act (CLCPA). This rulemaking will satisfy the requirements of the CLCPA by setting GHG limits for 2030 and 2050. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Ona Papageorgiou, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 256, Air Quality Classification Systems is obsolete and will be repealed. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Amanda Chudow, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Parts 260-317, Albany County, Allegany County, Broome County, Cattaraugus County, Cayuga County, Chautauqua County, Chemung County, Columbia County, Cortland County, Delaware County, Dutchess County, Erie County, Essex County, Franklin County, Fulton County, Genesee County, Green County, Hamilton County, Herkimer County, Jefferson County, Lewis County, Livingston County, Madison County, Monroe County, Montgomery County, Nassau County, New York City, Niagara County, Oneida County, Onondaga County, Ontario County, Orange County, Orleans County, Oswego County, Otsego County, Putnam County, Rensselaer County, Rockland County, St. Lawrence County, Saratoga County, Schenectady County, Schoharie County, Schuyler County, Seneca County, Steuben County, Suffolk County, Sullivan County, Tioga County, Tompkins County, Ulster County, Warren County, Washington County, Wayne County, Westchester County, Wyoming County, and Yates County, respectively under Subchapter C: Air Quality Area Classifications, are obsolete and will be repealed. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Amanda Chudow, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Subpart 482-1, Air Quality Control Program Fees. The regulation will be amended to update the fee amounts in 6 NYCRR Section 481-1.1 to agree with the fee amounts in ECL Section 72-0302. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: CathyJo Rogers, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3258, Telephone: 518-402-8401. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

Division of Environmental Permits

6 NYCRR Part 621, Uniform Procedure Act (UPA). Part 621 was last substantially amended in 2006. Since that time several statutes and regulations that interface with Part 621 have been changed or amended. The Department proposes to update the main text of Part 621 to align with those changes. Also, several clarifications and corrections are proposed to correct inaccurate references and clarify permitting procedures. This rule making will require a Regulatory

Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: James Eldred, New York State Department of Environmental Conservation, 625 Broadway, 4th Floor, Albany, NY 12233-1750. Telephone: 518-402-9158. E-mail: deppermitting@dec.ny.gov. Please include the Part number when emailing.

Division of Environmental Remediation

6 NYCRR Part 375 (Subparts 375-1 to 375-4, and 375-6), Environmental Remediation Programs. The Department proposes to amend subparts 375-1 to 375-4, and 375-6 to: (1) incorporate legislative mandates which modify the tax incentives offered under the brownfield cleanup program (BCP); (2) incorporate the provision introduced in that legislation that a property is not eligible for the program unless the site "requires remediation," which would be defined in these regulations; (3) incorporate needed changes, clarifications, and modifications to the regulations based on the experience developed during the first decade of implementing the BCP. These changes would increase consistency across remedial programs administered by the Division of Environmental Remediation and provide the Department with the tools necessary to more effectively implement the programs; and (4) incorporate soil cleanup objective (SCO) changes, if any, resulting from the statutorily required five-year review. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: William Ottaway, New York State Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233-7020. Telephone: 518-402-9553. E-mail: derweb@dec.ny.gov Please include 'Part 375' in the subject line when e-mailing.

6 NYCRR Parts 596, 597, 598, and 599, Chemical Bulk Storage Regulations. In this second phase of rule making for revisions to the Chemical Bulk Storage (CBS) regulations, the Department proposes to amend Part 597 to update the list of hazardous substances and clarify the spill reporting requirements. The Department also proposes to repeal Parts 596, 598, and 599 and replace them with a new Part 598 to: (1) achieve equivalency with 40 CFR Part 280 (Underground Storage Tank regulations), which is needed in order for the State to receive State Program Approval from U.S. Environmental Protection Agency (EPA) by incorporating new requirements from the federal regulations that the EPA promulgated in their July 2015 rule making; and (2) incorporate State-initiated changes pertaining to the administration of the CBS program and its consistency with the Petroleum Bulk Storage program, where applicable. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Kevin Hale, New York State Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, New York 12233-7020. Telephone: 518-402-9553. E-mail: derweb@dec.ny.gov Please include 'Parts 597 and 598' in the subject line when e-mailing.

6 NYCRR Part 610, Certification of Onshore Major Facilities [Major Oil Storage Facility (MOSF) Regulations]. The Department proposes to repeal and replace Part 610 to: (1) incorporate appropriate language from the New York State Department of Transportation regulations, 17 NYCRR Parts 30, 31 and 32, that pertains to the administration of the MOSF program, which has been solely handled by the Department since 1985; (2) repeal 17 NYCRR Parts 30, 31 and 32; (3) improve the consistency and clarity of language directing the administration of the MOSF program, which would make explicit in regulation the procedures for licensing MOSFs; and (4) enhance monitoring, maintenance, procedures, and equipment requirements to prevent leaks and spills. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Kevin Hale, New York State Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, New York 12233-7020. Telephone: 518-402-9553. E-mail: derweb@dec.ny.gov Please include 'Part 610' in the subject line when e-mailing.

6 NYCRR Part 611, Environmental Priorities and Procedures in Petroleum Cleanup and Removal. The Department proposes to repeal and replace Part 611 to incorporate requirements from Article 12 of

the Navigation Law, which prohibits the discharge of petroleum and provides for cleanup and removal of any petroleum discharge. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Kevin Hale, New York State Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, New York 12233-7020. Telephone: 518-402-9553. E-mail: derweb@dec.ny.gov Please include 'Part 611' in the subject line when e-mailing.

6 NYCRR Part 613, Petroleum Bulk Storage Regulations. In this second phase of rulemaking for revisions to the Petroleum Bulk Storage (PBS) regulations, the Department proposes to amend Part 613 to: (1) achieve equivalency with 40 CFR Part 280 (Underground Storage Tank regulations), which is needed in order for the State to receive State Program Approval from EPA by incorporating new requirements from the federal regulations that the EPA promulgated in their July 2015 rule making; (2) clarify language of the existing requirements; and (3) incorporate State-initiated changes pertaining to the administration of the PBS program and its consistency with the CBS program, where applicable. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Kevin Hale, New York State Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, New York 12233-7020. Telephone: 518-402-9553. E-mail: derweb@dec.ny.gov Please include 'Part 613' in the subject line when e-mailing.

Division of Fish and Wildlife

6 NYCRR Part 1, Section 1.11, Pertaining to deer hunting seasons. The existing regulation will be updated to modify deer hunting rules to increase and decrease antlerless harvest where needed. Currently, deer harvest and abundance data from the past five years are being used to reassess whether the current hunting season structure is appropriate or whether additional hunting opportunity can be provided. This rule making will not require a Regulatory Flexibility Analysis for Small Businesses and Local Governments or a Rural Area Flexibility Analysis. Contact: Michael Schiavone, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8883. E-mail: wildliferegs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 1, Section 1.31, Pertaining to hunting black bear. The existing regulation will be updated to simplify bear hunting seasons in the Northern Zone and to modify bear hunting regulations in other parts of the state. This update will allow bear harvest opportunities to be better aligned with bear population objectives. This rule making will not require a Regulatory Flexibility Analysis for Small Businesses and Local Governments or a Rural Area Flexibility Analysis. Contact: Michael Schiavone, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8883. E-mail: wildliferegs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 1, Section 1.40, Pertaining to hunting wild turkey. The existing regulation will be updated to adjust the fall turkey hunting season structure statewide based on current abundance, productivity, and survival data, and to modify the spring turkey hunting season in Suffolk County. This rule making will not require a Regulatory Flexibility Analysis for Small Businesses and Local Governments or a Rural Area Flexibility Analysis. Contact: Michael Schiavone, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8883. E-mail: wildliferegs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Parts 2, 87, and 90, Section 2.30, Pertaining to hunting migratory game birds and hunting on Iroquois and Montezuma National Wildlife Refuges. Migratory game birds as defined in 6 NYCRR Section 2.30 are jointly managed by the New York State Department of Environmental Conservation and United States Fish and Wildlife Service. The existing regulation will be updated to eliminate conflicting language between state and federal regulations pertaining to hunting migratory game birds. This rule making will not require a Regulatory Flexibility Analysis for Small Businesses and

Local Governments or a Rural Area Flexibility Analysis. Contact: Michael Schiavone, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8883. E-mail: wildliferegs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 6, Section 6.2 and 6.3, Pertaining to trapping seasons, bag limits, and general regulations for trapping mink, muskrat, and beaver. The existing regulations will be updated to adjust mink, muskrat, and beaver trapping season dates for various regions of the state based on current biological and social science data. This rule making will not require a Regulatory Flexibility Analysis for Small Businesses and Local Governments or a Rural Area Flexibility Analysis. Contact: Michael Schiavone, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8883. E-mail: wildliferegs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 10, pertaining to Trout Stream Fishing Regulations. The Department will propose a revision of trout stream fishing regulations to reduce the number of regulation variations and align regulations with specific fisheries management objectives. These amendments may require a Regulatory Flexibility Analysis for Small Businesses or a Rural Area Flexibility Analysis. Contact: Gregory Kozlowski, New York State Department of Environmental Conservation, Bureau of Fisheries, 625 Broadway, Albany, NY 12233. Telephone: 518-402-8896. E-mail: gregory.kozlowski@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Parts 10 and 36, pertaining to American Eel Fishing Regulations. The Department will propose a revision in regulations to prohibit the commercial and recreational harvest and possession of American Eel in all inland waters except for the Hudson River below the Federal Dam in Troy. These amendments may require a Regulatory Flexibility Analysis for Small Businesses or a Rural Area Flexibility Analysis. Contact: Gregory Kozlowski, New York State Department of Environmental Conservation, Bureau of Fisheries, 625 Broadway, Albany, NY 12233. Telephone: 518-402-8896. E-mail: gregory.kozlowski@dec.ny.gov. Please include the Part number when emailing.

NYCRR Part 10, pertaining to Skaneateles Lake Fishing Regulations. The Department will propose a revision of fishing regulations to increase harvest for illegally introduced walleye. This amendment may require a Regulatory Flexibility Analysis for Small Businesses or a Rural Area Flexibility Analysis. Contact: Gregory Kozlowski, New York State Department of Environmental Conservation, Bureau of Fisheries, 625 Broadway, Albany, NY 12233. Telephone: 518-402-8896. E-mail: gregory.kozlowski@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Parts 10 and 19, pertaining to Various Fishing Regulations. The Department will propose regulatory language clean-up for the purposes of clarification or resolution of language conflicts. In addition, the Department will propose to align Greenwood Lake muskellunge/tiger muskellunge regulations with New Jersey, correct an inadvertent change to the Honeoye Lake walleye regulations by reverting the minimum size back to 18 inches, and remove Keuka Lake and Otsego Lake from the list of waters where the use of landlocked alewife for bait is permitted. These amendments may require a Regulatory Flexibility Analysis for Small Businesses or a Rural Area Flexibility Analysis. Contact: Gregory Kozlowski, New York State Department of Environmental Conservation, Bureau of Fisheries, 625 Broadway, Albany, NY 12233. Telephone: 518-402-8896. E-mail: gregory.kozlowski@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 51, Public use of State Wildlife Management Areas. Statutory Authority: ECL 1-0101, 3-0301, 9-0105, and 11-2101. The Department is proposing to amend 6 NYCRR Part 51 to more clearly identify public use compatible with the legal and intended purposes of Wildlife Management Areas for wildlife dependent recreation and wildlife conservation. Where appropriate, revisions will more closely mirror provisions in 6 NYCRR Part 190 Use of state lands. These amendments may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments or a Rural Area Flexibility

Analysis. Contact: Marcelo DelPuerto, NYS Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-4754. Telephone: 518-402-8883. E-mail: wildliferegs@dec.ny.gov. Please include the Part number when emailing.

NYCRR Part 177, Sporting License Issuance and Use. Amend current regulations to update proof of qualifications for certain licenses to be consistent with updated procedures and potential changes necessary to issue sporting licenses as part of a statewide, shared services electronic licensing system that is currently under development. Also, amend current regulations concerning the description of what constitutes a license issued by the Department to allow for electronic sporting licenses to be carried and presented via electronic device(s). This amendment may require a Regulatory Flexibility Analysis for Small Businesses or a Rural Area Flexibility Analysis Contact: Mary Bailey, New York State Department of Environmental Conservation, Division of Fish and Wildlife, 625 Broadway, Albany, NY 12233-4750, Telephone: 518-402-8869. E-mail: mary.bailey@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 182, Section 182.5, Pertaining to endangered species, threatened species, and species of special concern. The existing regulation will be revised to update the list of endangered, threatened and special concern species based on the best available data. The current list has not been vetted for necessary changes since 1999, with only mandatory changes based on federal listing decision occurring over the last twenty years. This rule making will require a Job Impact Statement, a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Daniel Rosenblatt, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8884. E-mail: wildliferegs@dec.ny.gov. Please include the Part number when emailing.

Division of Forest Protection

6 NYCRR Part 197, Part 197 will be amended to clarify the License to Guide application criteria and review procedure for new applications and renewals. The amendment will also increase the guide license fee for out of state residents to the statutory maximum of two-hundred dollars per license. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments. Contact: Colleen Kayser, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-2560. Telephone: 518-402-8838. Email: colleen.kayser@dec.ny.gov Please include the Part number when emailing.

Office of Climate Change

6 NYCRR 494, Standards and Reporting for the Use of Hydrofluorocarbons. Statutory Authority: Environmental Conservation Law, §§ 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 71-2103, and 71-2105. This new regulation will place prohibitions on the use of certain refrigerants, foam-blowing agents, and aerosols in equipment or consumer products where there are safe and available alternatives. This regulation will be substantially similar to USEPA Significant New Alternatives Policy. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, a Rural Area Flexibility Analysis, and a Jobs Impact Statement. Contact: Suzanne Hagell, Office of Climate Change, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-1030; phone: 518-402-8448; email climatechange@dec.ny.gov Please include the part number in the subject line when e-mailing.

Office of General Counsel

6 NYCRR Part 175, Special Licenses and Permits-Definitions and Uniform Procedures. Part 175 will be updated to reflect the re-establishment of the Division of Marine Resources and to include recently developed licenses and permits. It will be revised to add provisions relating to the suspension of processing and review of license and permit applications, furnishing of financial security for certain licenses and permits, and suspension of marine licenses and permits, and to clarify processes for the issuance, renewal, revocation and transfer of special and marine licenses and permits. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis.

Contact: Tyler Hepner, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-1500. Telephone: 518-402-9530. Email: tyler.hepner@dec.ny.gov. Please include the Part number when emailing.

Office of Hearings and Mediation Services

6 NYCRR Part 624, Permit Hearing Procedures. The Department proposes to amend procedures governing issues conferences and interim appeals to the Commissioner from issues rulings by the Administrative Law Judges, to clarify the procedures governing motion practice, to establish procedures governing trade secrets and other confidential information in adjudicatory hearings, to revise certain definitions and to make various typographical, technical and related corrections. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses, and a Rural Regulatory Flexibility Analysis. Contact: Louis A. Alexander, New York State Department of Environmental Conservation, Office of Hearings and Mediation Services, 625 Broadway, 14th Floor, Albany, New York 12233-1010. E-mail: louis.alexander@dec.ny.gov. Please include the Part number when e-mailing.

Division of Lands and Forests

6 NYCRR Part 190, Use of State Lands, Brookfield Trail System. Addition of a new section to Part 190 to protect public safety and natural resources on this heavily used recreational facility. Contact: Robert Messenger, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4255, Telephone: (518) 402-9428, E-mail: robert.messenger@dec.ny.gov

6 NYCRR Part 190, Use of State Lands, Hemlock-Canadice State Forest (Livingston-Ontario State Reforestation Area No.1). Amend existing section 190.26 by applying further restrictions on public use to protect the public water supply since Hemlock and Canadice lakes are a direct source of public water for the city of Rochester and other communities. Contact: Robert Messenger, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4255, Telephone: (518) 402-9428, E-mail: robert.messenger@dec.ny.gov

6 NYCRR Part 190, Use of State Lands, Rush Oak Openings State Forest. Amend section 190 to include a new section, Rush Oak Openings State Forest. These regulations will protect the state forest by prohibiting certain activities. Contact: Robert Messenger, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4255, Telephone: (518) 402-9428, E-mail: robert.messenger@dec.ny.gov

6 NYCRR Part 190, Use of State Lands. Amend section 190, St. Regis Canoe Area. These regulations will protect the natural resources in the St. Regis Canoe Area from overuse by applying restrictions to group size, camping, campfires and other activities. Contact: Peter J. Frank, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4254, Telephone: (518) 473-9518, E-mail: peter.frank@dec.ny.gov

6 NYCRR Part 190, Use of State Lands, Forest Preserve Health and Safety Land Account and Utility Lines/Bicycle Paths. These regulations, authorized by amendments to Article XIV of the New York State Constitution, establish a "land account" for forest preserve land that can be used for certain types of public health and safety projects and for burial of utility lines in road corridors crossing forest preserve lands as well as allowing bicycle trails in these corridors. Contact: Peter Frank, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4254, Telephone: (518) 473-9518, E-mail: peter.frank@dec.ny.gov

6 NYCRR Part 193, Trees and Plants. Amend sections 193.4, Definitions, 193.5, Collection, Sale and Conservation of American Ginseng in New York, 193.6, Certification of Ginseng, and 193.7 Ginseng Dealers. The purpose of the proposed regulation is to allow for the harvest and sale of "wild simulated" ginseng. In addition, consider adding a license requirement for legal ginseng harvest and changing the minimum plant age for the legal harvest of wild ginseng. A Regulatory Flexibility Analysis and Rural Area Flexibility Analysis may be prepared. Contact: Jason Denham, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4254, Telephone: (518) 402-9436, E-mail: jason.denham@dec.ny.gov

6 NYCRR Part 195, Permits for the Erection and Maintenance of Signs, Advertising Structures and Devices in the Catskill Park. These regulations will allow a modest increase in the size of signs and the distance of signs from businesses. Contact: Peter Innes, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4250, Telephone: (518) 402-9405, E-mail: peter.innes@dec.ny.gov

6 NYCRR Part 196, Operation of Motorized Vehicles, Vessels, Aircraft and Motorized Equipment in the Forest Preserve. Amend section 196.7, Operation of Bicycles in the Adirondack and Catskill Forest Preserve. These regulations will update this section, including the existing list of forest preserve areas where bicycles are prohibited. Contact: Peter Frank, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4254, Telephone: (518) 473-9518, E-mail: peter.frank@dec.ny.gov

6 NYCRR Part 196, Operation of Motorized Vehicles, Vessels, Aircraft and Motorized Equipment in the Forest Preserve. Amend section 196.8, Operation of Motorized Equipment in Wilderness, Primitive, Primitive Bicycle Corridor and Canoe Areas within the Adirondack and Catskill Forest Preserve. These regulations will update this section, including establishing a list where motorized equipment is prohibited on existing forest preserve units and newly classified forest preserve units. Contact: Peter Frank, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4254, Telephone: (518) 473-9518, E-mail: peter.frank@dec.ny.gov

6 NYCRR Part 199, Taxation of Forest Land. Amend the existing regulations to update them and provide effective administration of the program by lessening the administrative burden on participants and provide clarity for addressing issues and situations that arise due to changing circumstances associated with private forest land ownership. Contact: Robert Messenger, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4255, Telephone: (518) 402-9428, E-mail: robert.messenger@dec.ny.gov

6 NYCRR Part 575, Prohibited and Regulated Invasive Species. Amend sections 575.3, Prohibited Invasive Species and 575.4, Regulated Invasive Species to update these lists and establish control and management of listed prohibited or regulated invasive species. The purpose of this Part is to establish procedures to identify and classify invasive species and to establish a permit system to restrict the sale, purchase, possession, propagation, introduction, importation, and transport of invasive species in New York, as part of the Department of Environmental Conservation's statewide invasive species management program, as required by ECL sections 9-1709 and 71-0703. A Regulatory Flexibility Analysis and Rural Area Flexibility Analysis will be prepared. Contact: Justin Perry, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4254 (518) 402-9436, E-mail: justin.perry@dec.ny.gov

Division of Marine Resources

6 NYCRR Part 10, Sportfishing Regulations. The Department is proposing amendments that pertain to the management of diadromous fish, specifically striped bass in the Hudson River and tributaries north of the George Washington Bridge, to maintain compliance with the interstate fishery management plan developed by the Atlantic States Marine Fisheries Commission. Proposed amendments could include changes to the season, minimum size limit, possession limit and the manner of take. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: John Maniscalco, New York State Department of Environmental Conservation, Division of Marine Resources, 205 N. Belle Meade Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0430. E-mail: john.maniscalco@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 11, More than One Species. The Department is proposing amendments that pertain to the management of diadromous fishes, including American eel, for taking, possessing, sale, or trafficking in the Harlem or East Rivers and the Hudson River. The amendments are needed for New York State to remain in compliance with fishery management plans developed by the Atlantic States Marine Fisheries Commission or as directed in the Federal Sustainable Fisher-

ies Act for such species. These amendments will also comply with the requirements of Environmental Conservation Law regarding the management of anadromous species. The purpose of these regulations is to protect and to maintain the health of these fish stocks. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: John Maniscalco, New York State Department of Environmental Conservation, Division of Marine Resources, 205 N. Belle Meade Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0430. E-mail: john.maniscalco@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 18, Taking Bait. The Department is proposing amendments that pertain to the management of diadromous fishes to take as bait for sportfishing through the use of fishing devices. The amendments are needed for New York State to remain in compliance with fishery management plans developed by the Atlantic States Marine Fisheries Commission or as directed in the Federal Sustainable Fisheries Act for such species. These amendments will also comply with the requirements of Environmental Conservation Law regarding the management of anadromous species. The purpose of these regulations is to protect and to maintain the health of these fish stocks. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: John Maniscalco, New York State Department of Environmental Conservation, Division of Marine Resources, 205 N. Belle Meade Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0430. E-mail: john.maniscalco@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 35, Licenses. The Department proposes to establish new reporting requirements for certain inland commercial fishery license holders, consistent with those in Part 40 for the same regulated species. The Department also proposes to reduce the number of types of licenses issued and to increase the fees charged for certain licenses. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: John Maniscalco, New York State Department of Environmental Conservation, Division of Marine Resources, 205 N. Belle Meade Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0430. E-mail: john.maniscalco@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 36, Gear and Operation of Gear. The Department is proposing amendments that pertain to the management of diadromous fishes in the Hudson and Delaware Rivers and are needed to maintain compliance with fishery management plans developed by the Atlantic States Marine Fisheries Commission (ASMFC) or as directed in the Federal Sustainable Fisheries Act for such species. The amendments will also comply with the requirements of Environmental Conservation Law regarding the management of anadromous species. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: John Maniscalco, New York State Department of Environmental Conservation, Division of Marine Resources, 205 N. Belle Meade Road, Suite 1, E. Setauket, New York 11733. Telephone: 631-444-0430. E-mail: john.maniscalco@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 40, Marine Fish. The Department proposes to amend regulations pertaining to the management of marine and diadromous fishes, including striped bass, to maintain compliance with fishery management plans developed by the Atlantic States Marine Fisheries Commission (ASMFC), or with the requirements of Environmental Conservation Law, or pursuant to the Federal Sustainable Fisheries Act for such species. Proposed amendments will also provide compliance with National Marine Fisheries Service requirements and other federal laws. The Department proposes to amend the regulations to define what methods are allowed for recreational anglers to take fish, including requirements related to the use of circle hooks. The Department proposes to amend reporting and record keeping requirements for State licensed harvesters; and to create a definition for proof of residency and establish requirements for providing such proof of residency when obtaining marine license and permits. The Department proposes to amend reporting and record keeping requirements

for State licensed harvesters who also hold federal harvesting licenses. The amendment would require federal license holders to advise the Department if they are required to report to any federal agencies. In addition, the amendment would clarify reporting requirements specific to federal Highly Migratory Species (HMS) permits. The Department proposes to amend the striped bass and summer flounder commercial fishing special regulations to replace qualifications for permits and make changes to striped bass commercial fishing permit reissuance and striped bass commercial permit tag provisions. New regulations would be proposed to make changes in the summer flounder commercial fishing special regulations to add language for re-qualification similar to that in the striped bass commercial fishing special regulations. The Department proposes to adopt regulations to establish a commercial eel permit with reporting requirements statewide, and to extend coverage by the general provisions of this part to include Rockland and Putnam Counties and ensure that commercial possession and sale is covered statewide. The Department proposes to amend commercial fishing regulations for American eel to establish quota-based fishing limits and closures. The Department proposes to adopt regulations which will require the use of bait bags when fishing with eel pots. The Department proposes to change the open season for striped bass commercial fishing. The Department proposes to adopt changes to the shipping, labeling and packing requirements to require harvester's fishing vessel trip report numbers on labels for quota managed species and adopt regulations to clarify provision for records retention by food fish shippers and dealers. The Department proposes amendments to establish seasonal area gear closures to decrease bycatch of Atlantic sturgeon. The Department proposes: amendments to coastal shark regulations to prohibit the harvest of blacknose sharks; regulations for shortfin mako and oceanic whitetip sharks, which could include minimum size limits and/or adding them to the prohibited shark species list; a limited exception for smoothhound sharks to the general prohibition on landing sharks without fins attached; seasonal adjustments of landing limits for large coastal sharks and hammerheads; and an amendment specifying that recreational shark size limits are measured in fork length, in order to comply with NOAA requirements. The Department also proposes to adopt gear restrictions for the shore-based shark fishery to discourage fishing on prohibited shark species. The Department proposes additional regulations that ensure New York State commercial and recreational fishermen remain in compliance with NOAA shark fishery requirements. The Department proposes amendments to cod and squid regulations to allow for seasonal adjustments of landing limits and to revise the commercial cod size limit. The Department proposes amendments to establish rules pertaining to commercial tautog tag issuance, allocation, and accountability. The Department also proposes regulations governing the application of tags, the sale and possession of tagged and untagged fish, and reporting/record keeping requirements for harvesters and dealers as it pertains to tagged tautog. The Department proposes rules to implement gillnet gear restrictions and marking requirements in the state ocean waters off the south shore of Long Island to comply with the federal Marine Mammal Protection Act. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: John Maniscalco, New York State Department of Environmental Conservation, Division of Marine Resources, 205 N. Belle Meade Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0430. E-mail: john.maniscalco@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 41, Sanitary Condition of Shellfish Lands. As necessary, the Department will propose to amend regulations that specify the classification (certified or uncertified) of shellfish lands. These amendments are necessary to protect public health by designating lands that do not meet bacteriological water quality criteria as uncertified or closed to shellfish harvesting. Shellfish lands that meet the water quality criteria are designated as certified (open) for the taking of shellfish. The Department also proposes that shellfish lands that have not been subject to a sanitary survey conducted within the previous ten (10) years be designated as uncertified. Shellfish are defined in law as oysters, scallops, and all kinds of clams and mussels. This rulemaking may require a Regulatory Flexibility Analysis for Small Busi-

nesses and Local Government and a Rural Area Flexibility Analysis. Contact: Matt Richards, New York State Department of Environmental Conservation, 205 N. Belle Meade Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0491. E-mail: matt.richards@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 42, Sanitary Control Over Shellfish. The Department proposes to amend regulations pertaining to the sanitary, record keeping, and reporting requirements and to require *Vibrio* control plans and introduce educational requirements, as necessary, to protect public health and allow for the modification of any conditions placed on permit activities after the permit has been issued for shellfish harvesters and shippers needed to comply with the guidelines of the National Shellfish Sanitation Program (NSSP), the federal regulations regarding interstate shipment of shellfish, and the Environmental Conservation Law. The proposed regulations will modify the descriptions of allowable activities under each category of shellfish shipper permits and the harvester permit consistent with the NSSP and the Environmental Conservation Law and amend and clarify descriptions of shellfish harvest areas to clearly delineate geographical sites where shellfish are harvested. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: Susan Ritchie, New York State Department of Environmental Conservation, 205 N. Belle Meade Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0494. E-mail: susan.ritchie@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 43, Surfclam/Ocean Quahog Fishery Management. The Department proposes to amend regulations pertaining to the management of surfclams and ocean quahogs that are consistent with the provisions of fishery management plans adopted by the Department and allow for the orderly implementation of any changes to the Environmental Conservation Law for the surfclam fishery. All amendments may describe changes to permit requirements and eligibility, harvest limits, gear restrictions, record keeping, and reporting requirements. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: Jennifer O'Dwyer, New York State Department of Environmental Conservation, 205 N. Belle Mead Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0489. E-mail: jennifer.odwyer@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 44, Lobsters and Crabs. The Department proposes to amend regulations pertaining to the management of lobsters, decapod crabs, and horseshoe crabs to maintain the health of such species and to prevent the introduction of exotic species. These proposed regulations would comply with fishery management plans developed by the Atlantic State Marine Fisheries Commission (ASMFC) for these species and with requirements of the Environmental Conservation Law. The proposed regulations would include general provisions consistent with those found in Part 40. The proposed amendments would allow for flexibility in the type of vent used in crab traps, establish open crab dredge seasons and areas, establish crab pot limits, and revise blue crab size limits. The Department proposes to amend reporting and record keeping requirements for State licensed harvesters to be consistent with the requirements in Part 40. The Department proposes to adopt regulations to implement the new ASMFC Interstate Fishery Management Plan for Jonah Crab which would include a special permit, size limit, bycatch limit, rules on harvest of parts, effort controls and other management measures based on details of the plan. The Department proposes to clarify current language and remove unnecessary regulations. Horseshoe crab regulations will be proposed to allow more control over the harvest and storage of horseshoe crabs. Rules would also be developed to prohibit the importation, possession and use of Asian horseshoe crabs. ASMFC will be developing an Addendum to the lobster management plan to scale the size of the Southern New England lobster fishery to the size of the resource and to respond to the continued depletion of the stock. The Department would propose lobster regulations based on the details of the Addendum. The Department would propose rules to prohibit the liberation of non-local crustaceans into New York's marine district. Rules

would be developed to modify lobster trap tag allocations in order to implement trap transferability program. The Department proposes to develop rules to implement lobster gear restrictions and marking requirements in LCMA 4 to comply with the federal Marine Mammal Protection Act. The Department will also develop rules to establish a minimum age for the non-commercial lobster license. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: Kim McKown, New York State Department of Environmental Conservation, Division of Marine Resources, Finfish and Crustaceans Section, 205 N. Belle Meade Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0454. E-mail: kim.mckown@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 45, Transplanting of Shellfish. The Department proposes to amend regulations pertaining to the transplanting of shellfish that are necessary for the protection of the public health, compliance with federal guidelines, and minimum requirements from the National Shellfish Sanitation Program (NSSP) Model Ordinance (MO). The proposed regulations would amend requirements for permits, transplanting of shellfish, periods of transplanting, relay area certification, and establish requirements for recordkeeping and reporting. The proposed regulations would also establish requirements for water quality, shellfish testing, and bacterial reduction (cleansing) studies. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government as well as a Rural Area Flexibility Analysis. Contact: Wade Carden, New York State Department of Environmental Conservation, 205 N. Belle Mead Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0481. E-mail: wade.carden@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 47, Certification of Shellfish Lands. The Department proposes technical amendments that would remove the word "uncertified" where it appears in two subparagraphs that specify the water quality criteria overlying certified shellfish lands. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Government as well as a Rural Area Flexibility Analysis. Contact: Matt Richards, New York State Department of Environmental Conservation, 205 N. Belle Meade Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0491. E-mail: matt.richards@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 48, Marine Hatcheries, On-Bottom and Off-Bottom Culture of Marine Plant and Animal Life. The Department proposes to amend regulations pertaining to the sale of cultured food fish and other cultured food products for consumption or resale. The proposed regulations would amend requirements for marking and identification of cultivation products in commercial markets, requirements for permits, and record keeping and reporting requirements. The Department proposes to amend regulations pertaining to application standards and requirements for issuance of marine hatchery and on- and/or off-bottom culture permits. This amendment is necessary to ensure that these standards and requirements are consistent with guidelines of the National Shellfish Sanitation Program (NSSP) Model Ordinance (MO), including the applicant's submission of a written operational plan that considers all activities which may pose a significant public health concern, including, but not limited to, shellfish seed production in waters classified as uncertified, aquaculture structures that attract birds or mammals, and aquaculture husbandry practices. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government as well as a Rural Area Flexibility Analysis. Contact: Wade Carden, New York State Department of Environmental Conservation, 205 N. Belle Mead Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0481. E-mail: wade.carden@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 49, Shellfish Management. The Department proposes to adopt regulations for the management of hard clams, soft or steamer clams and razor clams. The management measures include provisions for size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility, record keeping and

identification requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale. The Department proposes to amend regulations pertaining to the possession of oysters of less than legal size which is needed to ensure enforceability and compliance with the minimum size requirements for harvest of wild (natural) oysters in the marine district. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government as well as a Rural Area Flexibility Analysis. Contact: Debra Barnes, New York State Department of Environmental Conservation, 205 N. Belle Mead Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0477. E-mail: debra.barnes@dec.ny.gov Please include the Part number when emailing.

6 NYCRR Part 50, Miscellaneous Marine Species. The Department proposes to adopt new regulations for the protection and management of various other marine species. The immediate need is for the adoption of regulations for the protection and management of whelks (also known as conch, Busycon and Busycotypus spp). These regulations would include size limits, specifications for marking and placement of whelk fishing gear, trap limits and other regulations necessary to manage the whelk fishery. The Department proposes to amend reporting and record keeping requirements for State license holders to be consistent with the requirements in Part 40. The Department also proposes to adopt regulations which would require the use of bait bags when fishing with whelk traps. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: Kim McKown, New York State Department of Environmental Conservation, Division of Marine Resources, 205 N. Belle Mead Road, Suite 1, East Setauket, New York 11733. Telephone: 631-444-0454. E-mail: kim.mckown@dec.ny.gov Please include the Part number when emailing.

Division of Materials Management

6 NYCRR Part 321, Pesticides in Grape Vineyards, Part 322 Pesticides in Grape Vineyards, Niagara County, Part 323 Pesticides In Grape Vineyards, Chautauqua County, Southern Townships, Part 324 Pesticides In Grape Vineyards, Erie County, and Part 325 Application of Pesticides will be repealed and replaced with new Parts 321-325. This rulemaking will include comprehensive reorganization and revisions to the current rule to update the current pesticide use regulations, including the use of pesticides classified by the USEPA as exempt from the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act. These pesticides are commonly known as 25(b) or minimum risk pesticides. These rules will also incorporate federal certification and training regulations contained in 40 CFR Part 170 and the provisions currently in Part 326 Registration and Classification of Pesticides related to the sale of restricted use pesticides. In addition, Part 326 will be revised to address the registration of minimum risk pesticides. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Tricia Newell, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-7254. Telephone: 518-402-8748. E-mail: Pestmgt@dec.ny.gov. Please include the Part number when e-mailing.

6 NYCRR Part 327, Rules and Regulations Relating to the Use of Chemicals for the Control or Elimination of Aquatic Vegetation. Part 327 will be amended to incorporate relevant provisions of Part 328 (Rules and Regulations Relating to the Use of Chemicals for the Control or Elimination of Undesirable Fish) and Part 329 (Rules and Regulations Relating to the Use of Chemicals for the Control or Elimination of Aquatic Insects) and to reflect the current statutory requirement of the Environmental Conservation Law. 6 NYCRR Part 328 and 6 NYCRR Part 329 will be repealed. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Anthony Lamanno, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-7254. Telephone: 518-402-8727. E-mail: aqpestregs@dec.ny.gov. Please include the Part number when e-mailing.

6 NYCRR Part 350, Food Donation and Food Scraps Recycling. The Department is proposing a new Part 350 as required by Title 22 of Article 27 of the Environmental Conservation Law. The proposed

regulations require large food scraps generators to donate wholesome food. Increasing food donation from large food generators will not only help those in need, it will be a financial advantage for the food establishment (grocery store, etc.). Cost savings will be realized through tax deductions and through a reduction in the cost of waste disposal since the food will no longer be disposed of. The proposed regulations also require large food scraps generators to send their food scraps to an organics recycler if one exists within 25 miles of the generator, and the recycler has capacity. However, the proposed regulations, as well as the statute, have a waiver provision for the designated food scraps generators. Any generator can petition the Department for a waiver from compliance with the requirements of the regulations for several reasons, including that the cost of recycling organic waste is not reasonably competitive with the cost of disposing of the waste in a landfill. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Sally Rowland, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-7253. Telephone: 518-402-8678. E-mail: FoodScrapsLaw@dec.ny.gov. Please include the Part number when e-mailing.

6 NYCRR Part 360, Solid Waste Series Revisions. The rulemaking will amend the Part 360 Solid Waste Management Facilities Series Regulations that went into effect on November 4, 2017. The rulemaking will include adjustments to Parts 360, 361, 362, 363, 364, 365, 366 and 369 and include clarifications regarding construction and demolition (C&D) debris processing facilities and also beneficial use of C&D debris. The rulemaking will also simplify the requirements for waste transport of C&D, adjust pre-determined beneficial uses for the use of brine for road spreading and extend the brine beneficial use transition requirements, and add new requirements for the management of waste tires used at farms to secure tarpaulins, which will reduce retention of water while avoiding unnecessary costs to farmers. The revisions will allow the continued operation of facilities that were registered landfills prior to November 4, 2017 for the receipt of tree debris, concrete, asphalt, brick, and uncontaminated soil and rock resulting from land clearing, utility line maintenance and season or storm-related cleanups until entitled capacity is achieved. The rulemaking will implement requirements of state legislation to ensure protection of groundwater at composting facilities and mulch processing facilities located in Nassau and Suffolk Counties, and restrict the types of facilities allowed to operate inside of a mine within these two counties. Adjustments will be made to improve and simplify the process to receive municipal waste reduction and recycling grants for recycling projects and programs statewide. Additionally, the rulemaking will include minor amendments to correct errors made in cross-references contained in Subpart 374-2 Standards for the Management of Used Oil, as well as adjustments to language contained in section 372.3 Standards Applicable to Transporters related to 10-day temporary storage to be consistent with Part 360 and Part 364 requirements. The proposal includes amendments to Part 371 to address a provision in which certain solid wastes are not hazardous wastes. The proposed revision narrows the universe of types of wastes generated from drilling operations at crude oil wells, natural gas wells or geothermal energy wells that is not considered hazardous waste to rock chips, fragments and/or fines that are uncontaminated by drilling and completion fluids, including any additives. The current provision in 371 excludes all drilling fluids, produced waters, and other wastes associated with the exploration, development, production of crude oil, natural gas or geothermal energy from being hazardous wastes. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Melissa Treers, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-7260. Telephone: 518-402-8678. Email: SolidWasteRegulations@dec.ny.gov. Please include the Part number when e-mailing.

6 NYCRR Part 367, Returnable Beverage Containers. This rulemaking will incorporate revisions to the statute that specifically changed and, in some cases, change the Part 367 regulations that were promulgated in 1983; reflect changes in the way the industry and the

regulated community now comply with these regulations; and include changes that will lead to improved compliance and enforcement. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Jennifer Kruman, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-7253. Telephone: 518-402-8706. E-mail: nybottle@dec.ny.gov. Please include the Part number when e-mailing.

6 NYCRR Part 368, Product Stewardship and Product Labeling. This rulemaking will repeal and replace the existing Recycling Emblem regulations in 6 NYCRR Part 368 to be consistent with national labeling guidelines for recycling terms. It will also include regulations for mercury-added consumer products labeling, and product stewardship requirements for the E-Waste take back program resulting from legislation adopted in 2010 for E-Waste management. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Peter Pettit, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-7253. Telephone: 518-402-8706. E-mail: ewaste@dec.ny.gov. Please include the Part number when e-mailing.

6 NYCRR Parts 370, 371, 372, 373, 374 and 376, Hazardous Waste Management Regulations ('FedReg6'). This rulemaking will incorporate, as appropriate, federal rules that were adopted between July 31, 2013 and the present, which include regulations governing recycling of hazardous materials; electronic manifest requirements; reorganization and updates to regulations pertaining to hazardous waste generators; management of hazardous waste pharmaceuticals; and may include regulations addressing the management of vehicle air bags and aerosol cans, and updates to ignitability testing methods. This rulemaking may also include state-initiated changes related to classification of permit modifications, secondary containment requirements for liquid hazardous waste, used oil management, and management of paint waste and waste solar panels. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Michelle Ching, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7020. Telephone: 518-402-8651. E-mail: hwregs@dec.ny.gov. Please include 'FedReg6' in the subject line when e-mailing.

6 NYCRR Part 381, Transporters of Low-Level Radioactive Waste. This rulemaking will adopt applicable requirements of the federal Nuclear Regulatory Commission (NRC) regulations. These changes are needed to conform with (NRC) regulation revisions from 2012-2017. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Timothy Rice, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7255. Telephone: 518-402-8651. E-mail: Regs.Radiation@dec.ny.gov. Please include 'Part 381' in the subject line when e-mailing.

6 NYCRR Part 384, Cleanup Criteria for Remediation of Sites Contaminated with Radioactive Material. This rule is being developed to adopt applicable sections of the federal Nuclear Regulatory Commission's (NRC) License Termination Rule (LTR), which establishes cleanup criteria for radiologically contaminated sites, and the Timeliness of Decommissioning Rule, which outlines necessary steps for the planning and implementing of site cleanups. Program staff are coordinating adoption of these rules with the New York State Department of Health and the New York City Department of Health and Mental Hygiene to ensure compatibility, as they must also adopt applicable sections of these federal rules. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Timothy Rice, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7255. Telephone: 518-402-8651. E-mail: Regs.Radiation@dec.ny.gov. Please include 'Part 384' in the subject line when e-mailing.

6 NYCRR Part 483, Hazardous Waste Program Fees. This rulemaking will amend Part 483 to incorporate statutory changes made to the Hazardous Waste Program Fees in Environmental Conservation Law section 72-0402. This rulemaking will require a Regulatory Flexibility

Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Tom Killeen, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-7256. Telephone: 518-402-8651. E-mail: derweb@dec.ny.gov. Please include 'Part 483' in the subject line when e-mailing.

6 NYCRR Part 659, Household Cleansing Product Information Disclosure Requirements. The Department is considering revisions to 6 NYCRR Part 659 to clarify the information manufacturers should provide pursuant to Article 35 and the method by which the information should be provided. Part 659 implements Article 35, which, in part, authorizes the Department to promulgate regulations to require manufacturers of household cleansing products to disclose information regarding such products in a form prescribed by the commissioner. Amendments to the rule will include the addition of applicable definitions, and the addition of provisions which will provide direction on specific information to be disclosed, direction on withholding information deemed confidential, and direction on web posting requirements by which manufacturers should disclose information to ensure that it is easy to find, machine readable, and accessible to all. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Emily Dominiak, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7253. Telephone: 518-402-8706. E-mail: productdisclosure@dec.ny.gov. Please include 'Part 659' in the subject line when e-mailing.

Division of Mineral Resources

6 NYCRR Parts 420, 421, 422, 423, and 425. The Department is proposing to amend 6 NYCRR Parts 420 to 425 to: (1) clarify ambiguous sections; (2) strengthen portions of the regulations; (3) reflect changes in the regulatory fee structure and civil penalties; and (4) reflect changes in scientific knowledge. Amendments to these regulations would be done as one package.

6 NYCRR Part 420, General. Amend current regulations to expand the definitions to include words used to describe abandonment, technical terms associated with blasting, bluestone, and other terms to ensure consistency with the Mined Land Reclamation Law.

6 NYCRR Part 421, Permits. Amend current regulations to: (1) add language requiring a mining termination notice to be filed if a complete renewal application is not received within 30 days of the expiration of the permit; (2) add a section codifying the criteria for determining if an excavation is exempt from requiring a mining permit; (3) update the annual regulatory fee schedule to be consistent with the current rates; and (4) restore the alterations and modifications section for proposed changes that are ministerial in nature.

6 NYCRR Part 422, Mined Land-Use Plan. Amend current regulations to: (1) revise the language for mined land-use plan requirements; (2) add an expanded section describing the required elements for the graphic portion of the mined land-use plan; and (3) add expanded sections addressing dust control, noise control, visual pollution, water resource protection, sediment and erosion control, and blasting.

6 NYCRR Part 423, Reclamation Bond. Amend current regulations to replace the word bond with financial security throughout the section to reflect the variety of financial instruments that may satisfy the need for financial assurance for reclamation.

6 NYCRR Part 425, Civil Penalties. Amend current regulations to change civil penalties amounts to reflect changes made to ECL § 71-1307(1) subsequent to the last revisions to the regulations.

This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Matthew Podniesinski, New York State Department of Environmental Conservation, Division of Mineral Resources, 625 Broadway, 3rd Floor, Albany, NY 12233-6500. Telephone: 518-402-8076. E-mail: matthew.podniesinski@dec.ny.gov Please include the Part number when emailing.

Division of Operations

6 NYCRR 623: Use of Environmental Education Centers. The Department is proposing to revise 6 NYCRR 623: Use of Environmen-

tal Education Centers to include Reinstein Woods Environmental Education Center, update appropriate uses of the education centers, and make the regulations consistent with relevant sections of Part 190: Use of State Lands. This rule making will not require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Tom Shimalla, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-5256. Telephone: 518-402-8043. E-mail: edcenterregs@dec.ny.gov Please include the Part number when emailing.

Division of Water

6 NYCRR Part 485 - State Pollutant Discharge Elimination System (SPDES) Program Fees. The SPDES program fees were changed in 2009 through amendments to ECL section 72-0602. Part 485 would be amended to conform the SPDES fees in regulation to the fees in statute. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Carol Lamb-LaFay, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3505. Telephone: 518-402-8111. E-mail: carol.lamb-lafay@dec.ny.gov

6 NYCRR Part 502 - Floodplain Management Criteria for State Projects. Revisions would update language to comply with enabling legislation and would update criteria to comply with changes in Federal Emergency Management Agency regulations and New York State Building Code. Part 502 was last updated in 1984. Revisions would include updated definitions, clarifying floodway encroachment requirements, changing lowest floor elevation requirements to reflect the Building Code of New York State, and clarifying the variance application and decision process. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Alan Fuchs, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3504. Telephone: 518-402-8185. E-mail: alan.fuchs@dec.ny.gov

6 NYCRR Part 505 - Coastal Erosion Management. Part 505 of 6 NYCRR was last amended in March 1988. Revisions would include clarifying definitions, adding new defined terms, and clarifying language regarding regulated activities in natural protective features areas. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Alan Fuchs, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3504. Telephone: 518-402-8185. E-mail: alan.fuchs@dec.ny.gov

6 NYCRR Part 601 - Water Withdrawal. Revisions are needed to clarify permit exemptions; add new defined terms; clarify language regarding regulated activities; and remove outdated references to Initial Permits. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Koon Tang, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-3508. Telephone: 518-402-8086. E-mail: koon.tang@dec.ny.gov

6 NYCRR Part 602 - Long Island Agricultural Water Wells. Revisions are needed to reflect that the permit exemption for agricultural water wells on Long Island was eliminated in 1992 by the introduction of paragraph 7 of ECL section 15-1527; provide an exemption for temporary dewatering wells, remedial wells, and closed loop geothermal systems consistent with Part 601; and remove a regulatory gap for small public water supplies. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Koon Tang, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-3508. Telephone: 518-402-8086. E-mail: koon.tang@dec.ny.gov

6 NYCRR 676 - Salt Storage. A new part would be added to regulate the private and municipal storage of road salt and road salt/sand mixtures. Regulations are needed to protect waters of the state from contamination due to the uncovered storage of road salt and road salt/sand mixtures. The rulemaking may require a Regulatory Flex-

ibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Ryan Waldron, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3506. Telephone: 518-402-8244. E-mail: ryan.waldron@dec.ny.gov

6 NYCRR Parts 609, and 700 – 706 Water Quality Standards. Revisions would add/revise ambient water quality standards, standard-setting procedures, implementation procedures, and other regulatory provisions. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Eric Wiegert, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3502. Telephone 518-402-8135. E-mail: eric.wiegert@dec.ny.gov

6 NYCRR Part 750 - State Pollutant Discharge Elimination System (SPDES) Permits. Revisions are necessary to incorporate new federal criteria and standards. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Carol Lamb-LaFay, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3505. Telephone: 518-402-8111. E-mail: carol.lamb-lafay@dec.ny.gov

6 NYCRR Part 910 - St. Lawrence River Drainage Basin. Revisions would reclassify surface waters as needed to provide water quality protection consistent with designated best usages, as well as the Clean Water Act (CWA) Section 101(a)(2) goals. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Eric Wiegert, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3502. Telephone 518-402-8135. E-mail: eric.wiegert@dec.ny.gov

Division of Housing and Community Renewal

Pursuant to section 202-d of the State Administrative Procedure Act (SAPA), the following Regulatory Agenda contains a summation of the regulatory amendments being considered by the Division of Housing and Community Renewal (DHCR) for 2020. DHCR reserves the right to add, delete or modify, without further notice, except as required by SAPA, any item or information presented herein as relating to its 2020 Regulatory Agenda. Section 202-d of SAPA does not preclude DHCR from proposing for adoption a regulation that is not described in this agenda, nor does it require DHCR to propose for adoption a regulation that is described in this agenda. This notice also is intended to provide small businesses, local governments, and public and private interests in rural areas with the opportunity to participate in the rule making process, as required by Sections 202-b and 202-bb of SAPA.

Amendment of Parts 9 NYCRR Subpart B, Parts 2100, 2101, 2102, 2103, 2104, 2110; Subpart D, Parts 2200, 2201, 2202, 2203, 2204, 2206, 2211; Subtitle S, Chapter VIII, Subchapter A, Parts 2500, 2501, 2502, 2503, 2506, 2509, 2511; and Subchapter B, Parts 2520, 2521, 2522, 2523, 2524, 2526, 2528, 2531 to amend the rules governing housing accommodations subject to the Emergency Tenant Protection Act, the Rent Stabilization Law and the New York City and State Rent Control Laws to conform to changes made by the Housing Stability and Tenant Protection Act of 2019 and based on comments received from interested parties (regulated tenants, owners/managers of regulated property, organizations representing/advocating for regulated tenants/owners), in addition to DHCR's own experience in administration with respect to such matters as deregulation, jurisdiction, rent setting, maximum base rent increases in the rent control statutes, overcharges, treble damages, preferential rents, attorney fees and costs, owner occupancy, individual apartment improvements, major capital improvements, evictions and certain not for profit leases.

Any questions, comments or requests for information concerning the items listed in this agenda may be referred to Robert Wolf, Division of Housing and Community Renewal, 641 Lexington Ave., 6th Floor, New York, NY 10022, 212-872-0667, e-mail: Robert.wolf@nysdcr.org. This regulatory agenda may also be accessed on DHCR's website at: <https://hcr.ny.gov/regulatory-information>

Date: December 23, 2019

RULE REVIEW

Adirondack Park Agency

FIFTEEN AND TEN YEAR REVIEW OF RULES ADOPTED BY THE ADIRONDACK PARK AGENCY IN 2005 AND 2010 AND REQUIRED TO BE REVIEWED IN CALENDAR YEAR 2020.

As required by section 207 of the State Administrative Procedure Act (SAPA), the following is a list of rules which were adopted by the Adirondack Park Agency (Agency) in calendar years 2005 and 2010 which must be reviewed in calendar year 2020. Public comment on the continuation or modification of these rules is invited and will be accepted until February 22, 2020. Comments may be directed to: Christopher Cooper, Counsel, Legal Division, Adirondack Park Agency, P.O. Box 99, NYS Route 86, Ray Brook, New York 12977.

RULES ADOPTED IN 2005 AND EFFECTIVE ON SEPTEMBER 14, 2005

Legal basis for these rules: Adirondack Park Agency Act (APA Act), Executive Law, article 27; Wild, Scenic and Recreational Rivers System Act, Environmental Conservation Law section 15-2709; Freshwater Wetlands Act, Environmental Conservation Law section 24-0801

Revised 9 NYCRR Subtitle Q, Parts 570-573, 576, 587 and 588, and repealed Appendix Q-1 as follows:

1) Amended section 570.3 to remove definitions which are identical to the statutory definitions and re-number the paragraphs remaining.

2) Added a new paragraph 3 to subdivision (ah) of section 570.3 to define "subdivision into sites."

3) Added a new subdivision (j) of section 573.4 to codify the existing practice of allowing certain "boundary line adjustments" without an Agency permit.

4) Deleted subdivision (c) of section 572.21 which required the formal transfer of a permit when property is conveyed.

5) Deleted subdivision (b) of section 571.1, subdivision (a) of section 572.4 and section 572.15, which allowed APA jurisdictional inquiries and permit applications, respectively, to be submitted to the regional and district offices of other State agencies serving the Park.

6) Amended section 587.3 to more explicitly provide for what constitutes a "conflict of interest" for Agency members and employees. Also amended subdivision (d) of section 587.3 by changing it to new section 587.4, and revised it to better define what constitutes "ex-parte communications" and the action to be taken by Agency members if they cannot prevent an ex-parte communication.

7) Amended sections using the terms "operations committee" and "director of operations" to remove those terms and replace with "regulatory programs committee" or "director of regulatory programs," respectively.

8) With respect to variance procedures, added new sections 576.5 to 576.9, deleted existing sections 572.15 to 572.18, and amended section 572.19.

9) Amended section 588.8 to include the effective dates of all amendments to 9 NYCRR Subtitle Q adopted since the first comprehensive revision in 1979.

10) Deleted Appendix Q-1, which provided the addresses and telephone numbers of the Regional and District Offices of the Departments of Environmental Conservation and Health.

Analysis of the need for the rules: To clarify and simplify the regulations.

RULES ADOPTED IN 2010 AND EFFECTIVE ON SEPTEMBER 21, 2010

Legal basis for these rules: APA Act, Executive Law, article 27

Amended subdivisions (c) and (j) of section 570.3 of 9 NYCRR Subtitle Q providing the Agency's definitions of the terms "boathouse" and "dock", respectively.

Analysis of the need for the rules: To provide clarity and better environmental protection.

Department of Environmental Conservation

3 Year Rule Review

Introduction

Each year, pursuant to SAPA, the Department publishes a Review of Rules in the State Register and on its website. This is a review of Department rules adopted 3 years previous.

SAPA Section 207 -- 3-Year Rule Review

The following rules were adopted by the New York State Department of Environmental Conservation (Department) during 2017, and pursuant to SAPA Section 207 have been reviewed. Comments on the rules that are being amended this year should be directed to the contact person listed in the main body of the Regulatory Agenda. Comments on any rules that are not being changed at this time will be accepted for 45 days from the date of publication in the State Register and should be directed to the regulatory coordinator for the appropriate program, as listed below the rules.

Division of Environmental Remediation

6 NYCRR Part 597, Chemical Bulk Storage. Statutory Authority: Environmental Conservation Law sections 1-0101, 3-0301, 3-0303, 17-0301, 17-0303, 17-0501, 17-1743, 27-1301, 37-0101 through 37-0107, and 40-0101 through 40-0121. Part 597 was amended to add perfluorooctanoic acid (PFOA-acid, Chemical Abstracts Service (CAS) No. 335-67-1), ammonium perfluorooctanoate (PFOA-salt, CAS No. 3825-26-1), perfluorooctane sulfonic acid (PFOS-acid, CAS No. 1763-23-1), and perfluorooctane sulfonate (PFOS-salt, CAS No. 2795-39-3) to the list of hazardous substances at 6 NYCRR Section 597.3; allow for continued use of firefighting foam that may contain PFOA-acid, PFOA-salt, PFOS-acid or PFOS-salt to fight fires (but not for training or any other purposes) on or before April 25, 2017 even if such use may result in the release of a reportable quantity (RQ), which is otherwise prohibited; and correct the list of hazardous substances by providing units for RQs. These amendments were adopted on January 30, 2017. No amendments will be made at this time. See 2020 DEC Regulatory Agenda pertaining to the Phase II rule making for amendments to 6 NYCRR Parts 596-599, Chemical Bulk Storage Regulations.

Contact: Angela Chieco, Regulatory Coordinator for Division of Environmental Remediation, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7012. Telephone: 518-402-9764. E-mail: derweb@dec.ny.gov

Office of Climate Change

6 NYCRR Part 490, Projected Sea-Level Rise. Statutory Authority: Environmental Conservation Law Section § 3-0319, which directs the Department to update this Part every five years. Part 490 adopts sea-level rise projections for New York State. The state-level projections were based on global modeling developed for the Intergovernmental Panel on Climate Change Fifth Assessment Report. The Sixth Assessment Report will be finalized in 2022. The rule is effective as written and requires no amendment until 2022.

Contact: Mark Lowery, Assistant Director, Office of Climate Change, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3258. Telephone: 518-402-8027. E-mail: mark.lowery@dec.ny.gov

Division of Lands and Forests

6 NYCRR Part 190.37, Lower Salmon River State Forest. Statutory authority: Environmental Conservation Law, sections 1-0101(3)(b), 3-0301(1), (1)(b), (2)(m), (v), 9-0105(1) and (3). Part 190.37 was amended to protect public safety and natural resources of the Lower Salmon River State Forest. The rule is effective as written and requires no amendment.

Contact: Linda Kashdan-Schrom, Regulatory Coordinator for the Division of Lands and Forests, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4250. Telephone: 518-402-9417. Email: linda.kashdanschrom@dec.ny.gov

Division of Marine Resources

6 NYCRR Part 40, Marine Fish. Statutory authority: Environmental Conservation Law, sections 11-0303, 13-0105, 13-0336, 13-0339, and 13-0347. Part 40 was amended to allow filleting of striped bass aboard party and charter boats. This rule was necessary to restore the provision in the regulations and to allow this practice to continue. Amendments to Part 40 will be proposed as necessary for New York to remain in compliance with federal rules and interstate fishery management plans.

Contact: Carol Hoffman, Regulatory Coordinator for the Division of Marine Resources, New York State Department of Environmental Conservation, 205 North Belle Mead Road, Suite 1, East Setauket, NY 11733. Telephone: 631-444-0476. E-mail: carol.hoffman@dec.ny.gov

Division of Materials Management

6 NYCRR Part 360 Solid Waste Series Regulations: Parts 360, 361, 362, 363, 364, 365, 366, and 369. Statutory Authority: Environmental Conservation Law Sections 1-0101, 3-0301, 8-0113, Titles 3, 5, 7 and 8 of Article 17, 19-0301, 19-0303, 19-0306, Title 23 of Article 23, Titles 1, 3, 5, 7, 9, 10, 13, 15, 18, 21, 23, 25, 26, 27, 29 of Article 27, sections 27-1901, 27-1903, 27-1911, 54-0103, Titles 5 and 7 of Article 54, Title 1 of Article 70, 71-2201, Titles 27, 35, 40 and 44 of Article 71, and section 72-0502. The amendments to Part 360 became effective on November 4, 2017 to implement the solid waste program in New York State. The regulations incorporate changes in law and technology since the last comprehensive rulemaking occurred in 1993. The 2017 revisions incorporated minor amendments to Parts 364, 369, 621 and Subpart 374-2. Since promulgation of the Part 360 series in 2017, the Department has identified multiple areas where adjustments to the regulations are appropriate. See the 2020 Division of Materials Management Agenda regarding the next rulemaking for amendments to the 6 NYCRR Part 360 series.

Contact: Melissa Treers, Regulatory Coordinator for the Division of Material Management, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7250. Telephone: 518-402-8678. E-mail: melissa.treers@dec.ny.gov

Division of Water

6 NYCRR Part 830, Lake Champlain Drainage Basin. Statutory Authority: ECL, sections 3-0301(2)(m), 15-0313(1), (2), (3), 17-0301(2) and (9). To reclassify certain surface waters in the Lake

Champlain Drainage Basin, in Clinton, Essex, Franklin, Warren, and Washington Counties. These amendments upgraded the classification, description, and item numbers of certain waters in the Lake Champlain drainage basin. This was necessary to meet the “fishable” goal of the federal Clean Water Act and to provide enhanced protection for trout waters. No further amendments are currently being considered.

Contact: Michelle Tompkins, Regulatory Coordinator for the Division of Water, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3500, (518) 402-8221, e-mail: michelle.tompkins@dec.ny.gov

Department of Environmental Conservation

5 Year Rule Review

Introduction

Each year, pursuant to SAPA, the Department publishes a Review of Rules in the State Register and on its website. This is a review of Department rules adopted 5 years previous.

SAPA Section 207 -- 5-Year Rule Review

The following rules were adopted by the New York State Department of Environmental Conservation (Department) during 2015, and pursuant to SAPA Section 207 have been reviewed. Comments on the rules that are being amended this year should be directed to the contact person listed in the main body of the Regulatory Agenda. Comments on any rules that are not being changed at this time will be accepted for 45 days from the date of publication in the State Register and should be directed to the regulatory coordinator for the appropriate program, as listed below the rules.

Division of Air Resources

6 NYCRR Part 212 Process Operations. Statutory Authority: Environmental Conservation Law Sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-1101, 19-1103, 19-1105, 71-2103, 71-2105. The June 14, 2015 rulemaking established consistent terminology between Part 212 and 6 NYCRR Part 200 (Part 200) and 6 NYCRR Part 201 (Part 201); established a Toxic- Best Available Control Technology (T-BACT) standard for toxic air contaminants; clarify the interaction between Part 212 and the National Emission Standards for Hazardous Air Pollutants (NESHAPs); and controlled High Toxicity Air Contaminants (HTACs) to the greatest extent possible. DAR is currently proposing to revise Part 212-1, 212-2 and Part 212-4. Part 212-1 will be revised to create an alternative method for source owners to demonstrate compliance with both the federal National Emissions Standard for Hazardous Air Pollutant (NESHAPs) regulations and the State Part 212 regulation. Additionally, DAR will address two exemptions under section 212-1.4 and will update the mass emissions limit table in Subpart 212-2. The 2015 revision of Part 212 did not address 212-4 “Control of Nitrogen Oxides for Hot Mix Asphalt Production Plants.” DAR intends to repeal Subpart 212-4 and create a new hot mix asphalt regulation under 6 NYCRR Subpart 220-3.

6 NYCRR Part 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines. Statutory Authority: Environmental Conservation Law Sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-1101, 19-1103, 19-1105, 71-2103, 71-2105; Federal Clean Air Act, § 177. Part 218 was amended in 2018 to incorporate clarifications to the deemed to comply provision in California’s greenhouse gas standards. These changes were necessary to maintain the federal Clean Air Act Section 177 identicality requirement and to realize greenhouse gas emission reductions. The Department is amending Part 218 to clarify aftermarket catalytic converter requirements under Subpart 218-7, “Aftermarket Parts.”

6 NYCRR Part 243, “Transport Rule NOx Ozone Season Trading Program;” 6 NYCRR Part 244, “Transport Rule NOx Annual Trading Program;” 6 NYCRR Part 245, “Transport Rule SO2 Group 1 Trading Program.” Statutory Authority: Environmental Conservation Law Sections 1-0101, 3-0301, 19-0105, 19-0303, 19-0311, 71-2103 and 71-2105. In November of 2018, the Department adopted revisions to Parts 243, 244 and 245 to align with the Environmental Protection Agencies Cross-State Air Pollution Rule. No further actions being undertaken.

Contact: Richard McAuley, Regulatory Coordinator for the Divi-

sion of Air Resources, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3258. Telephone: 518-402-8438. E-mail: air.regs@dec.ny.gov

Division of Environmental Remediation

6 NYCRR Part 570, Liquefied Natural Gas (LNG); Statutory Authority: Environmental Conservation Law Sections 1-0101, 3-0301, 23-1703, 23-1705, 23-1707, 23-1709, 23-1711, 23-1713, 23-1715, 23-1717 and 23-1719. New Part 570 was adopted on January 21, 2015 to establish criteria for the siting of and to require DEC permits for LNG facilities per ECL Article 23, Title 17. No amendments will be made at this time.

6 NYCRR Parts 596, 597, 598, and 599, Chemical Bulk Storage (CBS). Statutory Authority: Environmental Conservation Law Sections 1-0101, 3-0301, 3-0303, 17-0301, 17-0303, 17-0501, 17-1743, 37-0101 through 37-0107, and 40-0101 through 40-0121. CBS regulations were amended to harmonize State regulations with federal rule 40 CFR 280 so that similar sets of regulatory requirements govern CBS facilities in the State. These amendments were adopted on September 11, 2015. No further amendments will be made at this time. See 2020 DEC Regulatory Agenda for information pertaining to the Phase II rule making for amendments to 6 NYCRR Parts 596-599, Chemical Bulk Storage Regulations.

6 NYCRR Part 613, Petroleum Bulk Storage (PBS); 6 NYCRR 370.1(e)(2), Hazardous Waste Management – General; 6 NYCRR 374-2, Standards for the Management of Used Oil. Statutory Authority: Environmental Conservation Law (ECL) sections 1-0101, 3-0301, 3-0303, 17-0301, 17-0303, 17-0501, 17-1001 through 17-1017, and 17-1743; ECL Article 23, Title 23, Article 27, Titles 7 and 9; Navigation Law sections 173, 175, 176, 178, and 191. The PBS rule making repealed Parts 612-614 and they were replaced with a restructured Part 613 to harmonize State regulations with federal rule 40 CFR 280 so that similar sets of regulatory requirements govern PBS facilities in the State. Part 613 includes standards for PBS tank systems that are applicable to tanks storing used oil. Provisions of section 370.1(e)(2) and Subpart 374-2 were revised to address changes to definitions and cross-references related to proposed Part 613. Amendments were also made to account for changes to 40 CFR Part 279, and revisions made to federal rules between July 30, 2003 and April 13, 2012 were incorporated into 370.1(e)(2) and Subpart 374-2. The PBS and used oil management amendments were adopted on September 11, 2015. No further amendments will be made at this time. See 2020 DEC Regulatory Agenda for information pertaining to the Phase II rule making for amendments to 6 NYCRR Part 613, Petroleum Bulk Storage Regulations.

Contact: Angela Chieco, Regulatory Coordinator for the Division of Environmental Remediation, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7012. Telephone: 518-402-9764. E-mail: derweb@dec.ny.gov

Division of Fish and Wildlife

6 NYCRR Part 1, Sections 1.11 and 1.30, Pertaining to Deer Hunting Seasons and the Deer Management Assistance Program (DMAP). Statutory Authority: Environmental Conservation Law, sections 11-0303, 11-0903 and 11-0907. The purpose of this modification was to modify deer hunting rules to increase and decrease antlerless harvest where needed and to improve efficiency of DMAP. Currently, deer harvest and abundance data from the past five years are being used to reassess whether the current hunting season structure is appropriate or whether additional hunting opportunity can be provided. No amendments are planned for DMAP at this time.

6 NYCRR Part 1, Section 1.40, Pertaining to Hunting Wild Turkey. Statutory Authority: Environmental Conservation Law sections 11-303, 11-0903, and 11-0905. In response to declines in turkey populations due to landscape-level changes in habitat and changes in turkey survival and productivity the fall hunting season was modified to a two-week season with a season bag limit of one bird. Since that time, turkey populations have stabilized but have not returned to the levels observed in the mid-2000s. Currently, abundance, productivity, and survival data from the past five years are being used to reassess whether the current fall season structure still strikes the optimal balance between turkey abundance and hunter satisfaction. No amendments are planned at this time.

6 NYCRR Parts 10, 18, 19 and 35, Sportfish activities and associated activities. Statutory Authority: 3-0301, 11-0303, 11-0305, 11-0317, 11-1301, 11-1303, 11-1316, and 11-1319. These amendments promote optimum fishing opportunity for public use consistent with resource conservation. The rule is effective as written and requires no amendment.

6 NYCRR Part 189, Related to the Discovery of Chronic Wasting Disease in Deer in Ohio. Statutory Authority: Environmental Conservation Law, sections 3-0301, 11-0325, 11-1905 and 27-0703. In October 2014, DEC was notified that Ohio confirmed its first case of chronic wasting disease (CWD). This regulation prohibited the importation of carcasses of wild CWD-susceptible cervids into New York from Ohio unless those carcasses have certain parts removed before importation into the state. Currently, DEC has published a Notice of Proposed Rulemaking (NPR) to prohibit the importation of carcasses of wild, CWD-susceptible cervids into New York from all states and provinces. The public comment period for the NPR closes October 7, 2019.

Contact: Ashley Ferrusi, Regulatory Coordinator for the Division of Fish and Wildlife, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4750. Telephone: (518) 402-8924. E-mail: ashley.ferrusi@dec.ny.gov

Division of Lands and Forests

6 NYCRR Section 192.7. Control of the Emerald Ash Borer. Statutory authority: Environmental Conservation sections 1-0101(3)(b), 1-0101(3)(d), 3-0301(1)(b), 3-0301(1)(d), 3-0301(2)(m), 9-0105(1), 9-0105(3) and 9-1303 This regulation was repealed in 2015. The regulation no longer served its purpose of slowing the spread of Emerald Ash Borer.

Contact: Linda Kashdan-Schrom, Regulatory Coordinator for the Division of Lands and Forests, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4250. Telephone: 518-402-9417. Email: linda.kashdan-schrom@dec.ny.gov

Division of Marine Resources

6 NYCRR Part 40, Marine Fish. Statutory authority: Environmental Conservation Law sections 11-0303, and 13-0338. Part 40 was amended to adopt regulations to manage coastal sharks. This rule was necessary to ensure that New York shark regulations were consistent with federal rules and compliant with interstate fishery management plans. Amendments to Part 40 will be proposed as necessary for New York to remain in compliance with federal rules and interstate fishery management plans.

6 NYCRR Part 44, Lobsters and Crabs. Statutory authority: Environmental Conservation Law sections 03-0301, 13-0105, 13-0329. Part 44 was amended to revise the closed season for harvest and landing of lobsters from Lobster Management Area 4, and to repeal mandatory V-notching of lobsters. This rule was necessary to initiate rebuilding of the lobster stock, and to remain in compliance with interstate fishery management plans. Amendments to Part 44 will be proposed as necessary for New York to remain in compliance with federal rules and interstate fishery management plans.

6 NYCRR Parts 10 and 40, Sportfishing Regulations and Marine Fish. Statutory authority: Environmental Conservation Law sections 11-0303, 11-1521, 13-0339, 13-0347, and 13-0105. Parts 10 and 40 were amended to change regulations for commercial and recreational striped bass. This rule was necessary to reduce striped bass fishing mortality and promote stable fish populations, and to remain in compliance with interstate fishery management plans. Amendments to Parts 10 and 40 will be proposed as necessary for New York to remain in compliance with federal rules and interstate fishery management plans.

6 NYCRR Part 40, Marine Fish. Statutory authority: Environmental Conservation Law sections 11-0303, 13-0105, and 13-0340-f. Part 40 was amended to change regulations governing the recreational harvest of black sea bass. This rule was necessary to reduce recreational black sea bass harvest and increase the fish minimum size, and to remain in compliance with interstate fishery management plans. Amendments to Part 40 will be proposed as necessary for New York to remain in compliance with federal rules and interstate fishery management plans.

Contact: Carol Hoffman, Regulatory Coordinator for the Division of Marine Resources, New York State Department of Environmental Conservation, 205 North Belle Mead Road, Suite 1, East Setauket, NY 11733. Telephone: 631-444-0476. E-mail: carol.hoffman@dec.ny.gov

Division of Water

6 NYCRR Parts 701 and 703 Water Quality Standards for Class I and Class SD Waters in New York City and Suffolk County. Statutory Authority: ECL Articles 3,15, and 17, including ECL Sections 3-0301, 15-0313, 17-0101, and 17-0301. Amended New York's water quality standards for Class I and Class SD waters to meet the "swimmable" goal of the Clean Water Act. On October 23, 2019, clarification of these regulations was published in issue 43 of the State Register.

Contact: Michelle Tompkins, Regulatory Coordinator for the Division of Water, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3500, (518) 402-8221, e-mail: michelle.tompkins@dec.ny.gov

Public Service Commission

Pursuant to § 207 of the State Administrative Procedure Act: Review of Existing Rules, notice is hereby provided that the Public Service Commission intends to continue the following rules adopted in 2000, 2005, 2010, and 2015 without modification or as previously revised. Comments are welcome on proposed continuation of the rules. Five copies of comments should be sent to: Michelle Phillips, Secretary, 3 Empire State Plaza, Albany, New York 12223-1350, on or before March 6, 2020. Information about the rules may be obtained from: John C. Graham, Assistant Counsel, 3 Empire State Plaza, Albany, New York 12223-1350; (518) 474-7687.

1. 16 NYCRR Parts 602, 603 and § 644.2 (Case No. 97-C-0139).

a. Description of rules:

These are rules pertaining to telephone service quality and customer service standards. Revisions enacted in 2000 were intended to reflect the impact of a growing competitive environment for local exchange telephone service. Those revisions were designed to protect against deterioration in the current level of telephone service quality, streamline existing rules, and reduce regulatory burdens that may hinder the development of competition in the local exchange market.

The most significant revisions include: deletion of the Maintenance Service Incentive and Rebate Plan, the Installation Service Incentive and Rebate Plan, Directory Assistance Answer Time, and Percent Missed Repair Appointments; addition of measures of service affecting conditions longer than 48 hours and final trunk blockage; streamlining reporting requirements for companies with less than 500,000 access lines and, performance standards.

b. Statutory Authority:

Public Service Law §§ 4(1), 94(2).

c. No hearings or public meetings are scheduled.

d. The rules are in effect and will continue.

e. Need and legal basis for the rules:

Continued oversight of local exchange carriers is necessary to protect the consumer despite the introduction of competition and significant modifications to the proposed rules strengthen them in comparison to the prior rules.

2. 16 NYCRR Parts 890 through 899 (Case No. 01-V-0381).

a. Description of rules:

The rules: (1) updated the regulatory framework of cable television developed in the early 1970's to reflect changes to federal law in 1984 and 1996; (2) conformed cable regulation with the New York State Public Service Commission's (DPS, PSC, Commission) regulatory practices for other utilities; and (3) moved cable television rules from the Executive Regulations in 9 NYCRR Parts 590 to 599 to the Department of Public Service Regulations at 16 NYCRR Parts 890 through 899.

b. Statutory Authority:

Public Service Law §§ 215, 216, 221, 222, and 224-a.

c. No hearings or public meetings are scheduled.

d. The rules are in effect and will continue.

e. Need and legal basis for the rules:

The rules conform cable television technical standards to industry standards, streamline reporting requirements for cable companies, promote competition, require activation of Emergency Alert Systems, and maintain consumer protections and service standards.

3. 16 NYCRR Part 255, Gas Safety Regulations (Case No. 14-G-0357)

a. Description of rules:

These rules revised the Commission's safety standards for transportation of natural gas via pipeline. The revisions pertain to five parts of the regulations – 16 NYCRR § 255.3(a)(29) (definition of gas "service line"); 16 NYCRR § 255.723 (applies leakage survey requirements to expanded area affected by new definition of "service line"); 16 NYCRR § 255.507 (eliminates the option of solely soap testing small sections of gas pipe before placing pipe into service); 16 NYCRR § 255.619 (eliminates operators' option to throttle gas pressure in delivery lines once every five years to maintain their current Maximum Allowable Operating Pressure (MAOP)); and 16 NYCRR § 255.625 (removes the odorization exception for gas being transported to storage).

b. Statutory Authority:

Public Service Law §§ 4, 5, 65 and 66.

c. No hearings or public meetings are scheduled.

d. The rules are in effect and will continue.

e. Need and legal basis for the rules:

The purpose of the revisions is to mirror the language of the Commission's gas safety regulations with their corollary federal regulations. In particular, one new rule extends the Commission's jurisdiction over gas piping inside buildings up to the customer's meter (or to the customer piping if there is no meter) and to the same extent as the federal rules. This proceeding was commenced when it became apparent that continued Department of Public Service enforcement of gas safety requirements, as the state agents of the Federal Pipeline and Hazardous Materials Administration (PHMSA), was contingent upon the Commission's rules being, in all respects, mirrored the language of the federal rules. Primarily, the federal Pipeline and Hazardous Materials Administration (PHMSA) made clear that to maintain certification, technical compliance with the federal definition of gas service – which extends state jurisdiction from the first accessible fitting at a building wall to the gas meter no matter its location in a building – was necessary. Changing the definition of gas service line from the outermost location of the building to where the meter is located requires that utilities take on expanded responsibilities in performing leakage surveys and corrosion inspections up to the meter.

4. 16 NYCRR § 10.2(b); Parts 167 and 312 to add new §§ 167.5, 167.6, 312.5, 312.6 (Case No. 14-M-0450).

a. Description of rules:

Revision of the Uniform System of Accounts and PSC Annual Reports for Electric and Gas Utilities, amending Rules and Regulations of the PSC contained in 16 NYCRR Chapter I, Subchapter A; Chapter II, Subchapters E and F; Chapter III, Subchapters E and F; Chapter IV, Subchapter E; and Chapter VII, Subchapter D, regarding Referenced Material, Records and Reports and the Uniform System of Accounts.

b. Statutory Authority:

Public Service Law §§ 66(4), 66(10), 80(3).

c. No hearings or public meetings are scheduled.

d. The rules are in effect and will continue.

e. Need and legal basis for the rules:

Revision of 16 NYCRR § 10.2(b) to reference the Federal Energy Regulatory Commission (FERC) Uniform System of Accounts as of April 1, 2015. The Commission revision of 16 NYCRR Parts 167 and 312 to add new §§ 167.5, 167.6, 312.5, and 312.6 was to establish separate revenue accounts and instructions to record delivery revenues for customers served by energy service providers. The new subdivisions also established instructions to account for the gains or losses from the settlement of asset retirement obligations.

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE MECHANICAL ROOM DOORS Downstate Correctional Facility Fishkill, Dutchess County

Sealed bids for Project No M3106-C comprising a contract for Construction Work, Replace Mechanical Room Doors, Complex 1, 2 & 3, Downstate Correctional Facility, 121 Red Schoolhouse Rd, Fishkill (Dutchess 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 Correctional Services, until 2:00 p.m. on Wednesday, January 15th 2020, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$21,400 for C.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 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 Jessica Hoffman, Carl Ruppert 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 272 days after the Agreement is approved by the Comptroller.

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 9:00 a.m. on January 7, 2020 at the OGS Field Office, 17 Duck Pond Road, Beacon NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representa-

tives 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 Tauljant Osmani (845-765-7123) a minimum of 72 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. 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 ROOFING Attica Correctional Facility Attica, Wyoming County

Sealed bids for Project No. M3113-C, comprising a contract for Construction Work, Replace Roofing, Building 132, Attica Correctional Facility, 639 Exchange Street Rd, Attica (Wyoming 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 Correctional Services, until 2:00 p.m. on Wednesday, January 8, 2020, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$29,300 for C.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$700,000 and \$800,000 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 Jessica Hoffman, Carl Ruppert 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 168 days after the Agreement is approved by the Comptroller.

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 December 30, 2019 at the Attica Field Office, 30 Hunt Blvd, Attica, 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 Lori Pautler, (585-591-0356) a minimum of 72 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. 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 ROOFS

Bedford Hills Correctional Facility
Bedford Hills, Westchester County

Sealed bids for Project No 45152-C, comprising a contract for Construction Work, Replace Roofs, Buildings 1, 2, 4 & 110B, Bedford Hills Correctional Facility, 247 Harris Rd, Bedford Hills (Westchester County) NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Correctional Services, until 2:00 p.m. on Wednesday, January 15, 2019, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$59,500 for C.

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

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Hoffman, Carl Ruppert 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 217 days after the Agreement is approved by the Comptroller.

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 January 7, 2020 at the OGS Field Office at Bedford Hills Correctional Facility, 247 Harris Rd, Bedford Hills, 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 Rebecca Maduro (914-666-0889) a minimum of 72 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. 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

**REPAIR
ROOFS**

Office of General Services
Various Locations Statewide

Sealed bids for Project No. 45830-C, comprising a contract for Construction Work, Repair Roofs, Office of General Services, Various Locations Statewide, NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, January 15, 2020 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$46,900 for C.

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

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller (“Restricted Period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Hoffman, Carl Ruppert 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 1094 days after the Agreement is approved by the Comptroller.

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 January 7, 2020 at the Empire State Plaza, Corning Tower, Executive Meeting Room, 26th Fl. Albany 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 Eric Luft (518-573-1364) 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. 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
EPDM ROOF**

Hughes State Office Building
Syracuse, Onondaga County

Sealed bids for Project No. 45967-C, comprising a contract for Construction Work, Replace EPDM Roof, Hughes State Office Building, 333 E. Washington Street, Syracuse (Onondaga County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, Janu-

ary 8, 2020 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$42,700 for C.

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

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

The substantial completion date for this project is 244 days after the Agreement is approved by the Comptroller.

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 9:30 a.m. on December 30, 2019 at the Hughes State Office Building, 333 E. Washington St, Syracuse 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 Marguerite Strong (315-428-4224) 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. 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. Lewycky*, 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 Town of Clarkstown

The Town of Clarkstown is soliciting proposals to provide annual financial audit services for the Town of Clarkstown Deferred Compensation Plan ("the Plan") for the years ended December 31, 2019 through December 31, 2023.

A copy of the proposal questionnaire may be obtained from: Thomas A. Morr, Comptroller, Town of Clarkstown, 10 Maple Ave., New City, NY 10956

All proposals must be submitted not later than ninety (90) days from the date of publication.

PUBLIC NOTICE Department of Financial Services

The Department of Financial Services ("Department") proposes to amend its Administrative Adjudication Plan, a copy of which is posted on the Department's website at <http://www.dfs.ny.gov>. In accordance with Executive Order No. 131 (December 4, 1989), a copy of the Administrative Adjudication Plan also will be provided upon request. Public comments on the proposed amendment to the Administrative Adjudication Plan will be accepted until March 2, 2020.

A request for a copy of the Administrative Adjudication Plan may be made by sending a letter to New York State Department of Financial Services, Office of General Counsel, One State Street – 20th Floor, New York, NY 10004, or by calling (212) 480-7608. Public comments must be in writing and sent by email to counsel@dfs.ny.gov or by regular mail to the address provided above.

PUBLIC NOTICE Office of General Services

Pursuant to Section 30-a of the Public Lands Law, the Office of General Services hereby gives notice to the following:

Notice is hereby given that the Department of Correctional and

Community Supervision has determined a certain piece or parcel of land, containing 0.56± acres, being a portion of the Wallkill Correctional Facility in the Town of Shawangunk, Ulster County, State of New York, as shown on OGS Map No 2665, as surplus and no longer useful or necessary for state program purposes and has been abandoned for sale or disposition as Unappropriated State land.

For further information, please contact: Thomas A. Pohl, Esq., Office of General Services, Legal Services, 36th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, (518) 474-8831, thomas.pohl@ogs.ny.gov

PUBLIC NOTICE Monroe County

Investment Advisory Services Request for Proposal

Pursuant to Part 9003.2 of the Rules and Regulations of the New York State Deferred Compensation Board, the Monroe County Deferred Compensation Plan Committee hereby gives notice to the following:

Notice is hereby given that the Committee is soliciting proposals from firms to provide investment advisory services for its Deferred Compensation 457 Plan. A copy of the proposal questionnaire can be obtained from: <https://protect2.fireeye.com/url?k=aaff045ef67e363d-aafd6b-000b9069e-50cc5a1b983358b9&q=1&u=http%3A%2F%2Fwww.monroecounty.gov%2Fbids%2Frfps>

Proposals are due no later than January 17, 2020.

PUBLIC NOTICE New York City Deferred Compensation Plan

The New York City Deferred Compensation Plan (the "Plan") is seeking qualified vendors to provide international growth equity investment management services for the International Equity Fund (the "Fund") investment option of the Plan. The objective of the Fund is to provide exposure to the broad international equity market. Qualified vendors that do not currently provide product capabilities to eVestment must submit product information to Milliman Investment Consulting at the following e-mail address: sanf.investment.search@milliman.com. Please complete the submission of product information no later than 4:30 P.M. Eastern Time on January 22, 2020.

Consistent with the policies expressed by the City, proposals from certified minority-owned and/or women-owned businesses or proposals that include partnering arrangements with certified minority-owned and/or women-owned firms are encouraged. Additionally, proposals from small and New York City-based businesses are also encouraged.

PUBLIC NOTICE REVISED

New York State Energy Planning Board

Pursuant to New York Energy Law, Article 6, the New York State Energy Planning Board ("Board") hereby gives notice of the following opportunity to submit public comments on a proposed amendment to the 2015 State Energy Plan. Comments will be received for 60 days at www.energyplan.ny.gov/comment.

Section 6-106(6) of New York State Energy Law states that the

Board may amend the Plan upon a finding that there has been a material and substantial change in fact or circumstance. Upon completion and consideration of public comments, the Board shall reconvene to advance any resolution concerning amendment of the Plan. As the Climate Leadership and Community Protection Act (CLCPA) has established clean energy and greenhouse gas reductions targets, and their codification into law thereof, this represents a substantial change in circumstance since the issuance of the Plan. As such, the Board is advancing a Draft Amendment to the 2015 State Energy Plan. These changes also provide additional reason to assist legacy generation host communities transition and adapt to a clean energy economy. To reflect these changes, and to ensure that agency activities are informed by synchronized statutory and State Energy Plan directions, this Draft Amendment is presented by the Board for commencement of an Energy Plan amendment process.

Draft Amendment

Volume I, page 110 is revised to read:

Clean Energy Goals

In 2019, Governor Andrew M. Cuomo introduced a Green New Deal (GND) and signed into law the Climate Leadership and Community Protection Act (CLCPA), both of which place New York on a path toward carbon neutrality. The CLCPA establishes 100% carbon free electricity by 2040, the most aggressive goal in the nation. To support this goal, the CLCPA increased the State's renewable electricity goal from 50% to 70% by 2030. These and other provisions of the CLCPA will support a Statewide greenhouse gas emissions goal of 85% from 1990 levels by 2050.

The CLCPA establishes the clean energy goals listed below. Advancement of these goals will be subject to further refinement, deliberation, and decision making, as follows:

- the Climate Action Council is required to finalize a Scoping Plan for implementation of the CLCPA within three years,
- the Public Service Commission is directed to implement the clean energy program and technology goals stipulated in the CLCPA, and
- the Department of Environmental Conservation is directed to establish emission reduction requirements across various activities in the State, including energy facilities, to ensure achievement of the CLCPA's Statewide greenhouse gas emission limits.

The CLCPA requires, in Section 7(2), all state agencies to consider whether their decisions regarding permits, licenses and other approvals are inconsistent with or interfere with achieving the CLCPA's statewide greenhouse gas limits and, if so, identify alternatives or greenhouse gas mitigation to be required.

The CLCPA further establishes a requirement for all State agencies that 35% of the benefits from clean energy and energy efficiency investments be realized by disadvantaged communities, with a goal that 40% of the benefits from investments, including energy, transportation, workforce development, housing, low-income energy assistance, economic development, and pollution reduction, accrue to these communities. Criteria to identify disadvantaged communities shall be provided through the Climate Action Council process, as informed by the Climate Justice Working Group.

Further direction may also be provided through the Climate Action Council Scoping Plan process, such as recommendations from the Just Transition Working Group as well as the advisory panels established by the CLCPA. The Scoping Plan must evaluate technology and policy pathways across all sectors of the economy, including the energy sector, in order to identify the actions New York can take to meet the stated outcomes. The final Scoping Plan, as well as required updates over time, will inform future policies and programming, including future State Energy Plans.

Volume I, page 111 is revised to read:

New York's Clean Energy and Climate Targets

85% reduction in GHG emissions by 2050: Reducing GHG emissions by no less than this amount on an economy-wide basis—power generation, industry, buildings, transportation, forestry, and waste—is critical to ensuring society's sustainability and well-being.

40% reduction in GHG emissions by 2030: Reducing GHG emissions by no less than this amount on an economy-wide basis is critical

for placing the State on a path toward the 85% emissions reduction goal, and signaling to clean energy industries that New York intends to place itself at the forefront of clean energy market growth.

100% carbon free electricity by 2040: Decarbonizing the electric grid will support greenhouse gas reductions in the power generation sector directly, as well as facilitate decarbonization of other sources of emissions, like the transportation sector and buildings that will increase reliance on electricity as a primary low- or zero-carbon energy input.

70% electricity generation from renewable energy resources by 2030: Renewable energy resources, including solar, wind, and hydropower, will play a vital role in reducing electricity price volatility and curbing greenhouse gas emissions.

9,000 MW of offshore wind by 2035: Offshore wind will play a leading role in reaching the 70% renewable energy goal—injecting local clean energy in areas of high demand—and fully decarbonizing the electricity grid by 2040.

3,000 MW of energy storage by 2030: Energy storage resources can support integration of renewable generation such as wind and solar, reduce the need for conventional fossil-fueled peaking power plants, and improve electric system and customer-based resilience.

6,000 MW of distributed solar by 2025: Installations of distributed solar systems have grown nearly 1,800% in New York since 2011, and this target will ensure continuation of that progress while supporting 70% renewable electricity by 2030 and providing good paying job opportunities.

185 trillion BTU increase in on-site energy savings by 2025: Energy efficiency reduces demand for electricity resulting in lower energy bills. Achieving at least 185 trillion British thermal units (BTU) in reductions by 2025 from a 2015 baseline will achieve the previously established energy efficiency goals five years earlier and deliver nearly one-third of the emissions reductions needed to meet 40x30.

40% goal, and a minimum target of 35%, of overall benefits from investments realized by disadvantaged communities: The overall benefits of spending on clean energy and energy efficiency programs, projects, or investments in the areas of housing, workforce development, pollution reduction, low-income energy assistance, energy, transportation, and economic development, should be realized by disadvantaged communities.

Volume 1, on page 97 in the Energy Infrastructure Modernization section, insert the following new Initiative:

Establish a Sustainable Electric Generation Facility Cessation Mitigation Program

44. New York's electric generation fleet is and will undergo a transition in the coming years as a result of market forces, State policies, and the advent of the CLCPA. In 2016, the Public Service Commission initiated the Clean Energy Standard and adopted the goal of 50% renewable electricity by 2030, which has been increased to 70% through the CLCPA. Also, in 2016, Governor Cuomo committed to eliminate all coal generation in New York State by 2020 and following the adoption of regulations by the Department of Environmental Conservation, the State's remaining coal-fired power plants have announced plans to shut down. In addition to the above policies, nuclear power plant owner Entergy announced its intention to close each of the operating units of the Indian Point nuclear power plant by 2020 and 2021 respectively. The CLCPA has further committed the State to a zero-carbon electricity sector by 2040.

Power plant host communities are able to receive transitional support to alleviate financial losses associated with a generator's retirement through the State's Electric Generation Facility Cessation Mitigation Program (Mitigation Program). The Mitigation Program, established in 2015, is expected to see additional demand following the passage of the CLCPA and other policy changes instituted after the Mitigation Program's initial establishment. To account for the changes in energy policy since the onset of the Mitigation Program, the Public Service Commission will develop a process to consider a mechanism that can provide a stable source of funding for the Mitigation Program.

In consideration of the CLCPA goal of a carbon neutral economy, State entities should initiate, to the extent practicable, policies and

programs in a manner designed to advance careful planning for the transitions of energy systems that both meet customer expectations with a balance of supply and demand resources and maintaining safe and adequate service at reasonable costs, while accomplishing necessary reductions in greenhouse gas emissions. State entities should advance development of near-term and long-term strategies for achieving this transition in an orderly manner that promotes long-term economic growth, mitigates financial impacts to local governments, and delivers clean energy at low cost to consumers.

For further information, contact: John Williams, c/o NYSERDA, 17 Columbia Circle, Albany, NY 12203, (518) 862-1090, ext. 3333, John.Williams@nyserda.ny.gov

PUBLIC NOTICE

Department of State
F-2019-0818

Date of Issuance – January 8, 2020

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

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant’s consistency certification and accompanying public information and data are available for inspection on the New York State Department of State’s website at <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0818PN.pdf>

In F-2019-0818, or the “Bruce Shoreline Improvements”, the applicants – Jeffrey & Rebecca Jo Bruce – proposes minor maintenance of the existing seawall including repointing and replacing missing stones in the wall. The proposed action also involves the placement of thirteen stone piles within the watercourse directly adjacent to the seawall on the eastern side of the residence. Nine stone piles are proposed against the existing seawall and four stone piles are placed twenty to thirty feet from the wall. The purpose of the proposed project is to “reduce wave energy and reflection, protect and promote the growth of natural spartina in the area and reduce recurring damage to the seawall”. The project is located at 14 Lawrence Lane in the Town of Orangetown, Rockland County on the Hudson River.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, January 23, 2020.

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

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

PUBLIC NOTICE

Department of State
F-2019-0920

Date of Issuance – January 8, 2020

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

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

In F-2019-0920, John Lenhard, is proposing to install a steel breakwall along 50 linear feet of shoreline in addition to a 4' x 53' steel pile supported dock. The proposals are for the southern (bay side) of the applicant's property at 9180 Crescent Beach in the Town of Huron, Wayne County.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0920ForPN.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, February 7, 2020.

Comments should be addressed to: Consistency Review Unit, New York State 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-2019-0923; F-2019-0924; F-2019-0927; F-2019-0929

Date of Issuance – January 8, 2020

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

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

In F-2019-0923, F-2019-0924, F-2019-0927, F-2019-0929 or the “Lazy Point Road PEM System”, the applicants Douglas Lloyd, Chris Anderson, Damelys Marin, and Richard Principi, are proposing to install a Pressure Equalizing Module (PEM) System to reduce erosion along the beach. PEMs are hollow permeable tubes inserted vertically into the beach in a linear format from mean high water spring mark (MHWS) to the mean low water line (MLW). The authorized work is located at 611 Lazy Point Road, 619 Lazy Point Road, 621 Lazy Point Road, and 623 Lazy Point Road, Town of East Hampton, Suffolk County, Napeague Bay.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0929_PEM_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, February 7, 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-2019-0926

Date of Issuance – January 8, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (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-2019-0926, 649 North Broadway, LLC is proposing to rehabilitate approximately 55' of existing stone seawall and construct an 8'x40' floating dock with a 4'x40' gangway with two 16" diameter steel pipe piles. The project is located at 649 North Broadway, Village of Upper Nyack, Rockland County, on the Hudson River.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0926.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 February 10, 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-2019-0947

Date of Issuance – January 8, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (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-2019-0947, Buffalo Niagara Waterkeeper proposes the installation of a custom fabricated commercial aluminum gangway and paddle dock system. The purpose is to create a public access point to the Buffalo River, implementing a multi-modal pathway, fixed fishing pier and overlook and a floating dock system with paddle sport launch amenities. The proposed docks will be anchored to the adjacent shore using a stiff arm/cable anchoring system allowing for easy, seasonal removal. The project is located at 1037 South Park Avenue, Buffalo, NY 14210 on the Buffalo River.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0947Waterkeeper.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 February 7, 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-2019-0961

Date of Issuance – January 8, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (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-2019-0961, the applicant, Carolyn O'Neill is proposing to remove existing docks and concrete cribs and install a new 8 ft by 75 ft steel piling dock with an 8 ft by 40 ft floating dock. The project is located at 204 Rivershore Drive in the Village of Clayton, Jefferson County, on the St. Lawrence River.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0961.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Clayton Local Waterfront Revitalization Program: https://www.dos.ny.gov/opd/programs/WFRvitalization/LWRP_status.html;
- St. Lawrence River Shoreline Bays Significant Coastal Fish and Wildlife Habitat: <https://www.dos.ny.gov/opd/programs/consistency/scfwhabitats.html>;

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or February 10, 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-2019-0966

Date of Issuance – January 8, 2020

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

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

In F-2019-0966 or the "Broad Channel Streets and Bulkheads Reconstruction", the applicant New York City Department of Design and Construction, is proposing to elevate the roads in Broad Channel, Queens (W. 14th, 15th, 16th, and 17th) to reduce flooding and construct new bulkheads at the Jamaica Bay ends of these roads. The authorized work is located at Broad Channel, Borough of Queens, Queens County, Jamaica Bay.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0966_Broad_Channel_St_Bh_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, February 7, 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-2019-0972

Date of Issuance – January 8, 2020

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

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

In F-2019-0972, Robert D'Argenio is proposing to repair/replace a solid filled wooden pier by placing steel sheet pile around the pier and filling the area with dredged material and stone, place rock rip rap around two peninsula areas and raise the elevation of these areas, dredge ~4' of sediment from two (2) 55' x 200' areas and install a 20' wide boat ramp.

The proposal is for the applicant's property at 24 Scharoun Drive in the Town of Richland, Oswego County.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0972ForPN.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, February 7, 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-2019-0983

Date of Issuance – January 8, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (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-2019-0983, the applicant, Tracy Van Holt is proposing to install a 30' x 18' ramp onto an 8'x20' floating dock with four 10" x 35' pressure treated pilings. The project is located at 3056 Clubhouse Road in the Town of Hempstead, Nassau County, on the Merrick Bay.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0983.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- East Hempstead Bay Significant Coastal Fish and Wildlife Habitat: <https://www.dos.ny.gov/opd/programs/consistency/scfwhabitats.html>;

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or February 10, 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-2019-0986

Date of Issuance – January 8, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (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-2019-0986, David Catalano is proposing to remove existing wooden deck and install a 16' x 30' pool with 300 sq. ft. circumference deck; re-deck existing pier with graded vinyl decking; install a davit, two safety ladders, one swinger jet ski lift, and a four-pile boat lift on existing pier with a double jet ski 9'x12' float and additional 5'x 8' float; reposition 2 existing 12" x 25' mooring piles; replace in place 131' timber bulkhead; and remove rear lawn vegetation to be replaced with salt tolerant vegetation. The project is located at 181 Peninsula Drive in the Village of Babylon, Suffolk County, Carlls Creek.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-0986.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 February 10, 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-2019-1074

Date of Issuance – January 8, 2020

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (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-2019-1074, Douglas Hassell Jr. is proposing to remove and replace 192 linear feet of bulkhead, including returns and parallel capping boardwalks, in-place without seaward expansion, and be raised 18 inches. There will also be maintenance dredging ten feet seaward to a depth of 4 feet below the mean low water elevation. It also includes the installation of a 2-pile 25,000lb boat lift, a 4 x 6ft knee dock, 3 x 10ft access gangway, and a 5 x 40ft floating dock. This project is located at 3 Landing Lane in the Town of West Islip, Suffolk County, Trues Creek.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1074.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Great South Bay – West Significant Coastal Fish and Wildlife Habitat: <https://www.dos.ny.gov/opd/programs/consistency/scfwhabitats.html>;

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or February 10, 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-2019-1178 (DA)

Date of Issuance – January 8, 2020

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

A federal agency has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The agency's consistency determination 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-2019-1178, The stated purpose of the project is to formally integrate the Atlantic chub mackerel into the Atlantic Mackerel, Squid, and Butterfish Fishery Managed Plan (MSB FMP). This proposed action is in response to increase in commercial fishery catches during 2013-2015 compared to earlier years, as well as concerns about the potential role of chub mackerel in the ecosystem as a prey species. The Mid-Atlantic Fishery Management Council adopted an annual

chub mackerel landings limit and a possession limit as part of the Unmanaged Forage Omnibus Amendment in 2017 which will expire after December 31, 2020.

Amending the MSB FMP to include Atlantic chub mackerel will allow the National Oceanic and Atmospheric Administration to:

1) Consider managing the Atlantic chub mackerel off the U.S. east coast as a stock in the MSB FMP while meeting all Magnuson-Stevens Fishery Conservation and Management Act (MSA) requirements for stocks in need of conservation and management.

2) Consider implementing discretionary management measures (i.e., not required under the MSA) for Atlantic chub mackerel fisheries off the U.S. east coast.

The applicant's consistency certification and supporting information are available for review at: [http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1178\(DA\) NOAA - FMP_amd_1_app](http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2019-1178(DA) NOAA - FMP_amd_1_app)

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, January 23, 2020.

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

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

PUBLIC NOTICE

Department of State

Uniform Code Variance / Appeal Petitions

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

2019-0743 Matter of Howe Engineers, 101 Longwater Circle, Suite 203, Norwell, MA 02061 for a variance concerning, sprinkler requirements. Involved is a new covered stadium approximately 266,320 square feet in total gross floor area. The building is located at 2150 Hempstead Turnpike, Town of Hempstead, County of Nassau, State of New York.

2019-0699 Matter of Walter Walsh 41 Brockmeyer Drive, Massapequa, NY 11758 for a variance concerning, flood construction requirements. Involved is a one family dwelling located at 41 Brockmeyer Drive, Town of Oyster Bay, County of Nassau, State of New York.

2019-0668 Matter of James Woerner, Inc., 130 Allen Boulevard, Farmingdale, NY 11735 for a variance concerning, fire separation requirements. Involved is accessory fuel tank located at 51 Great Neck Road, Incorporated Village of Great Neck Plaza, County of Nassau, State of New York.

2019-0611 Matter of Norman Nemecek, Aia, 41 Onderdonk Avenue, Manhasset, NY 11030 for a variance concerning, plumbing fixture requirements. Involved is merchantile occupancy located at 85 Main Street, Town of North Hempstead, County of Nassau, State of New York.

2019-0514 Matter of James Nicolazzi, 1550 Deer Park Avenue, Deer Park, NY 11729 for a variance concerning, fire separation requirements. Involved is a one family dwelling located at 715 7th Street, Incorporated Village of Lindenhurst, County of Suffolk, State of New York.

2019-0256 Matter of Jefferson Cesar, Three Chauser Drive, Greenlawn, NY 11740 for a variance concerning, emergency escape and rescue opening requirements. Involved is a one- or two-family dwelling located at Three Chauser Drive, Town of Huntington, County of Suffolk, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

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

2019-0751 In the matter of Vincent Mulcahy, Three Fountain Place, Ithaca, NY 14851, concerning safety requirements including a variance for reduction in required height of existing exterior front porch guardrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, three stories in height, located at 201 Highland Avenue, City of Ithaca, County of Tompkins, New York.

PUBLIC NOTICE

Department of Taxation and Finance
Interest Rates

The prior Public Notice authorizing the interest rates for the months of January, February, March 2020, has been revised to include the new excise tax on the sale of opioids. The rates attributed to the underpayment or overpayment of the new tax are determined pursuant to section 1096(e) of the Tax Law.

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

For purposes of section 697(j) the overpayment rate of interest is set at 4 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 4 percent per annum, and the underpayment rate of interest is set at 9 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 section 1145(a)(1) of the Tax Law, 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 January 1, 2020 through March 31, 2020, see the table below:

1/1/20 - 3/31/20

Interest Rate Per Annum
Compounded Daily

| Commonly viewed tax types | Refunds | Late Payments & Assessments |
|---------------------------|---------|-----------------------------|
| Income ** | 4% | 7.5% |
| Sales and use | 4% | 14.5% * |
| Withholding | 4% | 9% |
| Corporation ** | 4% | 9% |
| All other tax types | Refunds | Late Payments & Assessments |
| Alcoholic Beverage | 4% | 9% |

| | | |
|---|-----|-------|
| Authorized Combative Sports | 4% | 9% |
| Beverage Container Deposits | 4% | 9% |
| Cigarette | NA | 9% |
| Congestion Surcharge | 4% | 9% |
| Diesel Motor Fuel | 4% | 9% |
| Estate | 4% | 7.5% |
| Fuel Use Tax | *** | *** |
| Generation-Skipping Transfer | 4% | 7.5% |
| Hazardous Waste | 4% | 15% |
| Highway Use | 4% | 9% |
| Medical Marihuana | 4% | 9% |
| New York City Taxicab and Hail Vehicle Trip Tax | 4% | 9% |
| Metropolitan Commuter Transportation Mobility Tax | 4% | 7.5% |
| Mortgage Recording | 4% | 9% |
| Motor Fuel | 4% | 9% |
| Opioid Excise Tax | 4% | 9% |
| Petroleum Business | 4% | 9% |
| Real Estate Transfer | 4% | 9% |
| Tobacco Products | NA | 9% |
| Transportation Network Company Assessment | 4% | 9% |
| Waste Tire Fee | 4% | 9% |
| Wireless Communications Surcharge | 4% | 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 10% 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 4%. 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 9%.

*** 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/taxnews/int_curr.htm

